

*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.*

R. E. WARD,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 14 November, 1974.*

## New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

\*\*\*\*\*

Act No.       , 1974.

An Act to provide for the appointment of a Deputy Chief Commissioner of the Public Transport Commission of New South Wales; to dissolve the Sydney Harbour Transport Board and to transfer the assets and liabilities of that Board to that Commission; to transfer certain employees of certain companies operating ferry services on Port Jackson to that Commission; for these and other purposes to amend the Public Transport Commission Act, 1972, and the Sydney Harbour Transport Act, 1951; and for purposes connected therewith.

BE



*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

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

1. This Act may be cited as the "Public Transport Com- Short  
mission and Sydney Harbour Transport (Amendment) Act, title.  
1974".

2. The Public Transport Commission Act, 1972, is Amendment  
10 amended— of Act No.  
53, 1972.

(a) (i) by inserting in the definition of "commissioner" Sec. 3.  
in section 3 (1) after the words "Chief (Inter-  
Commissioner" the words "and the Deputy pretation.)  
Chief Commissioner, if any";

15 (ii) by inserting after the definition of "Commis-  
sioner for Railways" in section 3 (1) the  
following definition :—

"Deputy Chief Commissioner" means the  
person, if any, appointed under this  
20 Act as the Deputy Chief Commissioner ;

(b) by inserting at the end of section 6 the following Sec. 6.  
subsections :— (Chief  
Commissioner and  
Deputy  
Chief  
Commissioner.)

(2) One of the full-time commissioners, other  
than the Chief Commissioner, may be appointed by  
25 the Governor as Deputy Chief Commissioner.

(3) The Deputy Chief Commissioner shall,  
while the Chief Commissioner is from time to time  
absent from his office through illness or any other  
cause, act in the office of the Chief Commissioner  
and shall while so acting be deemed to be the Chief  
30 Commissioner and shall have the immunities,  
powers, authorities, duties and functions of the  
Chief Commissioner.

(c)



*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

- (c) (i) by inserting in section 8 (1) after the words "Chief Commissioner" where firstly occurring the words "or the Deputy Chief Commissioner, if any"; Sec. 8.  
(Appointment of substitutes to act during absence of commissioners.)
- 5 (ii) by omitting from section 8 (1) the words "or is acting as Chief Commissioner";
- (iii) by omitting from section 8 (2) the words "The Minister" and by inserting instead the words "If a Deputy Chief Commissioner has not been appointed, the Minister";
- 10 (iv) by inserting after section 8 (2) the following subsection :—
- (2A) A person appointed under subsection (2) shall cease to act in the office of the Chief Commissioner upon the appointment of a Deputy Chief Commissioner.
- 15 (v) by inserting in section 8 (4) after the word "authorising" where secondly occurring the words "the Deputy Chief Commissioner or";
- 20 (vi) by inserting in section 8 (4) after the word "person" where thirdly occurring the words ", Deputy Chief Commissioner";
- (d) by omitting section 12 (3); Sec. 12.  
(Meetings of the Commission.)
- 25 (e) (i) by omitting from section 13 (4) the word ", construed," and by inserting instead the words "or construed as a reference to, or"; Sec. 13.  
(Dissolution of Commissioner for Railways and Commissioner for Government Transport.)
- (ii) by omitting from section 13 (5) the word ", construed," and by inserting instead the words "or construed as a reference to, or";

(f)



*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

(f) by inserting after section 13 the following section:— Sec. 13A.

13A. (1) In this section—

Dissolution  
of Sydney  
Harbour  
Transport  
Board.

“Board” means the Sydney Harbour Transport  
Board constituted under the Sydney  
Harbour Transport Act, 1951;

“former Commissioner” has the meaning ascribed  
thereto in section 13 (1).

(2) Section 13, other than section 13 (1)  
and (5), applies to and in respect of—

(a) the Board in the same way as it applies  
to and in respect of each of the former  
Commissioners; and

(b) each of the persons holding office as a  
member of the Board in the same way as it  
applies to and in respect of each of  
the persons holding office as a former  
Commissioner.

(3) In applying the provisions of section  
13, other than section 13 (1) and (5), in accord-  
ance with subsection (2), “appointed day” means  
1st December, 1974.

(4) On and from 1st December, 1974, a  
reference in any other Act or in any regulation,  
by-law or other statutory instrument or in any other  
document, whether of the same or of a different  
kind—

(a) to a member of the Board, otherwise than  
as the chairman of the Board, shall  
be read and construed as a reference to a  
commissioner; or

(b)



*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

(b) to the chairman of the Board shall be read and construed as a reference to the Chief Commissioner.

5 (g) by inserting after section 17 the following section :—

17A. (1) In this section—

“company employee” means a person who was, on 5th October, 1974, and who continues until 30th November, 1974, to be, an employee of either of the companies employed in or with respect to the operation of passenger ferry services on Port Jackson ;

“company superannuation scheme” means a scheme or arrangement under which a transferred employee might, if he had continued in the employment of either of the companies on and from 1st December, 1974, have become entitled, after that date, to superannuation, pension, retirement or other benefits ;

“the companies” means The Port Jackson and Manly Steamship Company Limited and Sydney Harbour Ferries Pty. Limited ;

“transferred employee” means a company employee who becomes an employee of the Commission in accordance with subsection (2).

(2) A company employee—

30 (a) who, before 1st December, 1974, is offered by the Commission an appointment and employment under section 18 as an employee of the Commission ; and

(b)

Transfer,  
&c., to  
Commission  
of employees  
of certain  
companies  
operating  
ferry  
services.



*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

(b) who has been directed by the Commission before 1st December, 1974, to present himself for work as an employee of the Commission on or after 1st December, 1974, and—

(i) presents himself for work in accordance with that direction; or

(ii) has, in the opinion of the Commission, a reasonable excuse for not presenting himself for work in accordance with that direction but presents himself for work as such an employee as soon as practicable after the date specified in that direction,

shall, upon presenting himself for work under paragraph (b) (i) or (ii), as the case may be, become an employee of the Commission and be deemed to have been appointed and to be employed under section 18.

(3) A transferred employee shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before 1st December, 1974, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered pursuant to the award of a competent tribunal or an industrial agreement or by the Commission.

(4) Where any condition of employment of a transferred employee was, immediately before 1st December, 1974, regulated by an award or industrial agreement, that condition shall continue to be so regulated until an award of a competent

tribunal



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(Amendment).*

tribunal by which the Commission is bound or an industrial agreement is made regulating that condition.

5 (5) The period of service of a transferred employee with either of the companies shall be deemed to be service with the Commission for the purposes of annual leave, sick leave or long service leave.

10 (6) A transferred employee shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

15 (7) Subject to subsection (8), the Commission is authorised to negotiate and agree with the companies, or either of them, a transferred employee and any other person for—

- (a) the continuation, termination or variation of any company superannuation scheme;
- 20 (b) the substitution of any company superannuation scheme by, or the replacement of any company superannuation scheme with, any other superannuation scheme; or
- 25 (c) the merger of any company superannuation scheme with any other company superannuation scheme or with any other superannuation scheme,

and the Commission may do and perform all such other acts and things as it considers necessary to effect such an agreement.

30 (8) An agreement made by the Commission under subsection (7) shall be not less favourable to a transferred employee than the company superannuation scheme it affects.



*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

3. The Sydney Harbour Transport Act, 1951, is amended— Amendment  
of Act No.  
11, 1951.

(a) (i) by inserting after section 6 (4) the following subsection :— Sec. 6.  
(Powers and  
functions.)

5                   (4A) The Board shall, subject to this Act,  
take all such steps as it may deem necessary  
to provide for the continued operation of the  
ferry services which, immediately before 1st  
10 December, 1974, were carried on by The Port  
Jackson and Manly Steamship Company  
Limited and Sydney Harbour Ferries Pty.  
Limited.

(ii) by inserting after section 6 (5) (a) the  
following paragraph :—

15                   (a1) extend or alter or discontinue any of  
the ferry services referred to in  
subsection (4A) ;

(b) by inserting after section 7 (1) the following subsection :— Sec. 7.  
(Contracts.)

20                   (1A) The Board may make and enter into con-  
tracts or agreements with any person for or with  
respect to the use of, or the supply or performance  
by the Board of any work or service involving, any  
vessel, wharf, dock, plant, machinery or equipment  
25 vested in or operated by the Board.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974  
[10c]



No. , 1974.

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## A BILL

To provide for the appointment of a Deputy Chief Commissioner of the Public Transport Commission of New South Wales; to dissolve the Sydney Harbour Transport Board and to transfer the assets and liabilities of that Board to that Commission; to transfer certain employees of certain companies operating ferry services on Port Jackson to that Commission; for these and other purposes to amend the Public Transport Commission Act, 1972, and the Sydney Harbour Transport Act, 1951; and for purposes connected therewith.

[MR MORRIS—30 *October*, 1974.]

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(Amendment).*

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and with the advice and consent of the Legislative  
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in section 3 (1) after the words "Chief (Inter-  
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Chief Commissioner, if any";

15 (ii) by inserting after the definition of "Commis-  
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following definition :—

20 "Deputy Chief Commissioner" means the  
person, if any, appointed under this  
Act as the Deputy Chief Commissioner ;

(b) by inserting at the end of section 6 the following Sec. 6.  
subsections :— (Chief  
(2) One of the full-time commissioners, other Commis-  
than the Chief Commissioner, may be appointed by sioner and  
25 the Governor as Deputy Chief Commissioner. Deputy  
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30 (3) The Deputy Chief Commissioner shall,  
while the Chief Commissioner is from time to time  
absent from his office through illness or any other  
cause, act in the office of the Chief Commissioner  
and shall while so acting be deemed to be the Chief  
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- (e) (i) by omitting from section 13 (4) the word " , construed," and by inserting instead the words "or construed as a reference to, or"; Sec. 13.  
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- 25 (ii) by omitting from section 13 (5) the word " , construed," and by inserting instead the words "or construed as a reference to, or";
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(f) by inserting after section 13 the following section:— Sec. 13A.

13A. (1) In this section—

Dissolution  
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Board.

“Board” means the Sydney Harbour Transport  
Board constituted under the Sydney  
Harbour Transport Act, 1951;

“former Commissioner” has the meaning ascribed  
thereto in section 13 (1).

(2) Section 13, other than section 13 (1)  
and (5), applies to and in respect of—

(a) the Board in the same way as it applies  
to and in respect of each of the former  
Commissioners; and

(b) each of the persons holding office as a  
member of the Board in the same way as it  
applies to and in respect of each of  
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(3) In applying the provisions of section  
13, other than section 13 (1) and (5), in accord-  
ance with subsection (2), “appointed day” means  
1st December, 1974.

(4) On and from 1st December, 1974, a  
reference in any other Act or in any regulation,  
by-law or other statutory instrument or in any other  
document, whether of the same or of a different  
kind—

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(Amendment).*

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on 5th October, 1974, and who continues  
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by the Commission an appointment and  
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employee of the Commission ; and

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(Amendment).*

(b) who has been directed by the Commission before 1st December, 1974, to present himself for work as an employee of the Commission on or after 1st December, 1974, and—

(i) presents himself for work in accordance with that direction; or

(ii) has, in the opinion of the Commission, a reasonable excuse for not presenting himself for work in accordance with that direction but presents himself for work as such an employee as soon as practicable after the date specified in that direction,

shall, upon presenting himself for work under paragraph (b) (i) or (ii), as the case may be, become an employee of the Commission and be deemed to have been appointed and to be employed under section 18.

(3) A transferred employee shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before 1st December, 1974, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered pursuant to the award of a competent tribunal or an industrial agreement or by the Commission.

(4) Where any condition of employment of a transferred employee was, immediately before 1st December, 1974, regulated by an award or industrial agreement, that condition shall continue to be so regulated until an award of a competent

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10 (6) A transferred employee shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

15 (7) Subject to subsection (8), the Commission is authorised to negotiate and agree with the companies, or either of them, a transferred employee and any other person for—

- (a) the continuation, termination or variation of any company superannuation scheme;
- 20 (b) the substitution of any company superannuation scheme by, or the replacement of any company superannuation scheme with, any other superannuation scheme; or
- 25 (c) the merger of any company superannuation scheme with any other company superannuation scheme or with any other superannuation scheme,

and the Commission may do and perform all such other acts and things as it considers necessary to effect such an agreement.

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functions.)

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take all such steps as it may deem necessary  
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following paragraph :—

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20                   (1A) The Board may make and enter into con-  
tracts or agreements with any person for or with  
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by the Board of any work or service involving, any  
vessel, wharf, dock, plant, machinery or equipment  
25               vested in or operated by the Board.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974  
[10c]



**PUBLIC TRANSPORT COMMISSION AND SYDNEY HARBOUR  
TRANSPORT (AMENDMENT) BILL, 1974**

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**EXPLANATORY NOTE**

THE objects of this Bill are—

- (a) to provide for the appointment of one of the full-time commissioners, other than the Chief Commissioner, of the Public Transport Commission of New South Wales (hereinafter called "the Commission") as Deputy Chief Commissioner;
- (b) to provide that the Deputy Chief Commissioner shall act in the office of Chief Commissioner while the Chief Commissioner is absent from his office;
- (c) to provide for the dissolution of the Sydney Harbour Transport Board;
- (d) to provide that, on the dissolution of the Sydney Harbour Transport Board—
  - (i) the powers, authorities, duties and functions of that Board shall vest in the Commission; and
  - (ii) the assets and liabilities of that Board shall be transferred to the Commission;
- (e) to provide that certain employees of The Port Jackson and Manly Steamship Company Limited and Sydney Harbour Ferries Pty. Limited shall become employees of the Commission;
- (f) to provide for the circumstances under which the employees of the companies referred to in paragraph (e) shall become employees of the Commission;
- (g) to preserve certain rights of the employees of the companies referred to in paragraph (e) on their employment by the Commission;
- (h) to enable the Commission to continue certain ferry services previously carried on by the companies referred to in paragraph (e);
- (i) to enable the Commission to enter into contracts for the supply or performance by it of any work or service involving any vessel, wharf, dock, plant, machinery or equipment vested in it;
- (j) to make other provisions of a minor, consequential or ancillary nature.







PROOF

No. , 1974.

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[MR MORRIS—30 October, 1974.]

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"Deputy Chief Commissioner" means the  
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(3) The Deputy Chief Commissioner shall,  
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and shall while so acting be deemed to be the Chief  
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(Amendment).*

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to and in respect of each of the former  
Commissioners; and

(b) each of the persons holding office as a  
member of the Board in the same way as it  
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(i) presents himself for work in accordance with that direction; or

10 (ii) has, in the opinion of the Commission, a reasonable excuse for not presenting himself for work in accordance with that direction but presents himself for work as such an employee as soon as practicable after the date specified in that direction,

15 shall, upon presenting himself for work under paragraph (b) (i) or (ii), as the case may be, become an employee of the Commission and be deemed to have been appointed and to be employed under section 18.

20 (3) A transferred employee shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before 1st December, 1974, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered pursuant to the award of a competent tribunal or an industrial agreement or by the Commission.

30 (4) Where any condition of employment of a transferred employee was, immediately before 1st December, 1974, regulated by an award or industrial agreement, that condition shall continue to be so regulated until an award of a competent

tribunal



*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

tribunal by which the Commission is bound or an industrial agreement is made regulating that condition.

5 (5) The period of service of a transferred employee with either of the companies shall be deemed to be service with the Commission for the purposes of annual leave, sick leave or long service leave.

10 (6) A transferred employee shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

15 (7) Subject to subsection (8), the Commission is authorised to negotiate and agree with the companies, or either of them, a transferred employee and any other person for—

- (a) the continuation, termination or variation of any company superannuation scheme;
- 20 (b) the substitution of any company superannuation scheme by, or the replacement of any company superannuation scheme with, any other superannuation scheme; or
- 25 (c) the merger of any company superannuation scheme with any other company superannuation scheme or with any other superannuation scheme,

and the Commission may do and perform all such other acts and things as it considers necessary to effect such an agreement.

30 (8) An agreement made by the Commission under subsection (7) shall be not less favourable to a transferred employee than the company superannuation scheme it affects.



*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

3. The Sydney Harbour Transport Act, 1951, is amended— is Amendment  
of Act No.  
11, 1951.

(a) (i) by inserting after section 6 (4) the following subsection :— Sec. 6.  
(Powers and  
functions.)

5                   (4A) The Board shall, subject to this Act,  
take all such steps as it may deem necessary  
to provide for the continued operation of the  
ferry services which, immediately before 1st  
10               December, 1974, were carried on by The Port  
Jackson and Manly Steamship Company  
Limited and Sydney Harbour Ferries Pty.  
Limited.

(ii) by inserting after section 6 (5) (a) the  
following paragraph :—

15                   (a1) extend or alter or discontinue any of  
the ferry services referred to in  
subsection (4A) ;

(b) by inserting after section 7 (1) the following subsection :— Sec. 7.  
(Contracts.)

20                   (1A) The Board may make and enter into con-  
tracts or agreements with any person for or with  
respect to the use of, or the supply or performance  
by the Board of any work or service involving, any  
vessel, wharf, dock, plant, machinery or equipment  
25               vested in or operated by the Board.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974



# New South Wales



ANNO VICESIMO TERTIO

## ELIZABETHÆ II REGINÆ

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### Act No. 81, 1974.

An Act to provide for the appointment of a Deputy Chief Commissioner of the Public Transport Commission of New South Wales; to dissolve the Sydney Harbour Transport Board and to transfer the assets and liabilities of that Board to that Commission; to transfer certain employees of certain companies operating ferry services on Port Jackson to that Commission; for these and other purposes to amend the Public Transport Commission Act, 1972, and the Sydney Harbour Transport Act, 1951; and for purposes connected therewith. [Assented to, 27th November, 1974.]

BE



*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

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

Short  
title.

1. This Act may be cited as the "Public Transport Commission and Sydney Harbour Transport (Amendment) Act, 1974".

Amendment  
of Act No.  
53, 1972.

2. The Public Transport Commission Act, 1972, is amended—

Sec. 3.  
(Inter-  
pretation.)

(a) (i) by inserting in the definition of "commissioner" in section 3 (1) after the words "Chief Commissioner" the words "and the Deputy Chief Commissioner, if any";

(ii) by inserting after the definition of "Commissioner for Railways" in section 3 (1) the following definition :—

"Deputy Chief Commissioner" means the person, if any, appointed under this Act as the Deputy Chief Commissioner ;

Sec. 6.  
(Chief  
Commis-  
sioner and  
Deputy  
Chief  
Commis-  
sioner.)

(b) by inserting at the end of section 6 the following subsections :—

(2) One of the full-time commissioners, other than the Chief Commissioner, may be appointed by the Governor as Deputy Chief Commissioner.

(3) The Deputy Chief Commissioner shall, while the Chief Commissioner is from time to time absent from his office through illness or any other cause, act in the office of the Chief Commissioner and shall while so acting be deemed to be the Chief Commissioner and shall have the immunities, powers, authorities, duties and functions of the Chief Commissioner.

(c)



*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

- (c) (i) by inserting in section 8 (1) after the words "Chief Commissioner" where firstly occurring the words "or the Deputy Chief Commissioner, if any"; Sec. 8.  
(Appointment of substitutes to act during absence of commissioners.)
- (ii) by omitting from section 8 (1) the words "or is acting as Chief Commissioner";
- (iii) by omitting from section 8 (2) the words "The Minister" and by inserting instead the words "If a Deputy Chief Commissioner has not been appointed, the Minister";
- (iv) by inserting after section 8 (2) the following subsection :—
- (2A) A person appointed under subsection (2) shall cease to act in the office of the Chief Commissioner upon the appointment of a Deputy Chief Commissioner.
- (v) by inserting in section 8 (4) after the word "authorising" where secondly occurring the words "the Deputy Chief Commissioner or";
- (vi) by inserting in section 8 (4) after the word "person" where thirdly occurring the words ", Deputy Chief Commissioner";
- (d) by omitting section 12 (3); Sec. 12.  
(Meetings of the Commission.)
- (e) (i) by omitting from section 13 (4) the word ", construed," and by inserting instead the words "or construed as a reference to, or"; Sec. 13.  
(Dissolution of Commissioner for Railways and Commissioner for Government Transport.)
- (ii) by omitting from section 13 (5) the word ", construed," and by inserting instead the words "or construed as a reference to, or";
- (f)



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*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

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## Sec. 13A.

(f) by inserting after section 13 the following section:—

Dissolution  
of Sydney  
Harbour  
Transport  
Board.

13A. (1) In this section—

“Board” means the Sydney Harbour Transport Board constituted under the Sydney Harbour Transport Act, 1951;

“former Commissioner” has the meaning ascribed thereto in section 13 (1).

(2) Section 13, other than section 13 (1) and (5), applies to and in respect of—

(a) the Board in the same way as it applies to and in respect of each of the former Commissioners; and

(b) each of the persons holding office as a member of the Board in the same way as it applies to and in respect of each of the persons holding office as a former Commissioner.

(3) In applying the provisions of section 13, other than section 13 (1) and (5), in accordance with subsection (2), “appointed day” means 1st December, 1974.

(4) On and from 1st December, 1974, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind—

(a) to a member of the Board, otherwise than as the chairman of the Board, shall be read and construed as a reference to a commissioner; or

(b)



*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

(b) to the chairman of the Board shall be read and construed as a reference to the Chief Commissioner.

(g) by inserting after section 17 the following **Sec. 17A.**  
section :—

17A. (1) In this section—

“company employee” means a person who was, on 5th October, 1974, and who continues until 30th November, 1974, to be, an employee of either of the companies employed in or with respect to the operation of passenger ferry services on Port Jackson ;

Transfer,  
&c., to  
Commission  
of employees  
of certain  
companies  
operating  
ferry  
services.

“company superannuation scheme” means a scheme or arrangement under which a transferred employee might, if he had continued in the employment of either of the companies on and from 1st December, 1974, have become entitled, after that date, to superannuation, pension, retirement or other benefits ;

“the companies” means The Port Jackson and Manly Steamship Company Limited and Sydney Harbour Ferries Pty. Limited ;

“transferred employee” means a company employee who becomes an employee of the Commission in accordance with subsection (2).

(2) A company employee—

(a) who, before 1st December, 1974, is offered by the Commission an appointment and employment under section 18 as an employee of the Commission ; and

(b)



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*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

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(b) who has been directed by the Commission before 1st December, 1974, to present himself for work as an employee of the Commission on or after 1st December, 1974, and—

- (i) presents himself for work in accordance with that direction; or
- (ii) has, in the opinion of the Commission, a reasonable excuse for not presenting himself for work in accordance with that direction but presents himself for work as such an employee as soon as practicable after the date specified in that direction,

shall, upon presenting himself for work under paragraph (b) (i) or (ii), as the case may be, become an employee of the Commission and be deemed to have been appointed and to be employed under section 18.

(3) A transferred employee shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before 1st December, 1974, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered pursuant to the award of a competent tribunal or an industrial agreement or by the Commission.

(4) Where any condition of employment of a transferred employee was, immediately before 1st December, 1974, regulated by an award or industrial agreement, that condition shall continue to be so regulated until an award of a competent

tribunal



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*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

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tribunal by which the Commission is bound or an industrial agreement is made regulating that condition.

(5) The period of service of a transferred employee with either of the companies shall be deemed to be service with the Commission for the purposes of annual leave, sick leave or long service leave.

(6) A transferred employee shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

(7) Subject to subsection (8), the Commission is authorised to negotiate and agree with the companies, or either of them, a transferred employee and any other person for—

- (a) the continuation, termination or variation of any company superannuation scheme;
- (b) the substitution of any company superannuation scheme by, or the replacement of any company superannuation scheme with, any other superannuation scheme; or
- (c) the merger of any company superannuation scheme with any other company superannuation scheme or with any other superannuation scheme,

and the Commission may do and perform all such other acts and things as it considers necessary to effect such an agreement.

(8) An agreement made by the Commission under subsection (7) shall be not less favourable to a transferred employee than the company superannuation scheme it affects.



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*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

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Amendment of Act No. 11, 1951.      **3. The Sydney Harbour Transport Act, 1951, is amended—**

Sec. 6.  
(Powers and functions.)

- (a) (i) by inserting after section 6 (4) the following subsection :—

(4A) The Board shall, subject to this Act, take all such steps as it may deem necessary to provide for the continued operation of the ferry services which, immediately before 1st December, 1974, were carried on by The Port Jackson and Manly Steamship Company Limited and Sydney Harbour Ferries Pty. Limited.

- (ii) by inserting after section 6 (5) (a) the following paragraph :—

(a1) extend or alter or discontinue any of the ferry services referred to in subsection (4A) ;

Sec. 7.  
(Contracts.)

- (b) by inserting after section 7 (1) the following subsection :—

(1A) The Board may make and enter into contracts or agreements with any person for or with respect to the use of, or the supply or performance by the Board of any work or service involving, any vessel, wharf, dock, plant, machinery or equipment vested in or operated by the Board.



*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.*

**R. E. WARD,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 20 November, 1974.*

## **New South Wales**



ANNO VICESIMO TERTIO

**ELIZABETHÆ II REGINÆ**

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**Act No. 81, 1974.**

An Act to provide for the appointment of a Deputy Chief Commissioner of the Public Transport Commission of New South Wales; to dissolve the Sydney Harbour Transport Board and to transfer the assets and liabilities of that Board to that Commission; to transfer certain employees of certain companies operating ferry services on Port Jackson to that Commission; for these and other purposes to amend the Public Transport Commission Act, 1972, and the Sydney Harbour Transport Act, 1951; and for purposes connected therewith. [Assented to, 27th November, 1974.]

BE

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

**J. H. BROWN,**  
*Chairman of Committees of the Legislative Assembly.*



*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

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

Short  
title.

1. This Act may be cited as the "Public Transport Commission and Sydney Harbour Transport (Amendment) Act, 1974".

Amendment  
of Act No.  
53, 1972.

2. The Public Transport Commission Act, 1972, is amended—

Sec. 3.  
(Inter-  
pretation.)

(a) (i) by inserting in the definition of "commissioner" in section 3 (1) after the words "Chief Commissioner" the words "and the Deputy Chief Commissioner, if any";

(ii) by inserting after the definition of "Commissioner for Railways" in section 3 (1) the following definition :—

"Deputy Chief Commissioner" means the person, if any, appointed under this Act as the Deputy Chief Commissioner ;

Sec. 6.  
(Chief  
Commis-  
sioner and  
Deputy  
Chief  
Commis-  
sioner.)

(b) by inserting at the end of section 6 the following subsections :—

(2) One of the full-time commissioners, other than the Chief Commissioner, may be appointed by the Governor as Deputy Chief Commissioner.

(3) The Deputy Chief Commissioner shall, while the Chief Commissioner is from time to time absent from his office through illness or any other cause, act in the office of the Chief Commissioner and shall while so acting be deemed to be the Chief Commissioner and shall have the immunities, powers, authorities, duties and functions of the Chief Commissioner.

(c)



*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

- (c) (i) by inserting in section 8 (1) after the words "Chief Commissioner" where firstly occurring the words "or the Deputy Chief Commissioner, if any"; Sec. 8.  
(Appointment of substitutes to act during absence of commissioners.)
- (ii) by omitting from section 8 (1) the words "or is acting as Chief Commissioner";
- (iii) by omitting from section 8 (2) the words "The Minister" and by inserting instead the words "If a Deputy Chief Commissioner has not been appointed, the Minister";
- (iv) by inserting after section 8 (2) the following subsection :—
- (2A) A person appointed under subsection (2) shall cease to act in the office of the Chief Commissioner upon the appointment of a Deputy Chief Commissioner.
- (v) by inserting in section 8 (4) after the word "authorising" where secondly occurring the words "the Deputy Chief Commissioner or";
- (vi) by inserting in section 8 (4) after the word "person" where thirdly occurring the words ", Deputy Chief Commissioner";
- (d) by omitting section 12 (3); Sec. 12.  
(Meetings of the Commission.)
- (e) (i) by omitting from section 13 (4) the word ", construed," and by inserting instead the words "or construed as a reference to, or"; Sec. 13.  
(Dissolution of Commissioner for Railways and Commissioner for Government Transport.)
- (ii) by omitting from section 13 (5) the word ", construed," and by inserting instead the words "or construed as a reference to, or";
- (f)



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*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

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Sec. 13A.

(f) by inserting after section 13 the following section:—

Dissolution  
of Sydney  
Harbour  
Transport  
Board.

13A. (1) In this section—

“Board” means the Sydney Harbour Transport Board constituted under the Sydney Harbour Transport Act, 1951;

“former Commissioner” has the meaning ascribed thereto in section 13 (1).

(2) Section 13, other than section 13 (1) and (5), applies to and in respect of—

(a) the Board in the same way as it applies to and in respect of each of the former Commissioners; and

(b) each of the persons holding office as a member of the Board in the same way as it applies to and in respect of each of the persons holding office as a former Commissioner.

(3) In applying the provisions of section 13, other than section 13 (1) and (5), in accordance with subsection (2), “appointed day” means 1st December, 1974.

(4) On and from 1st December, 1974, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind—

(a) to a member of the Board, otherwise than as the chairman of the Board, shall be read and construed as a reference to a commissioner; or

(b)



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*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

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(b) to the chairman of the Board shall be read and construed as a reference to the Chief Commissioner.

(g) by inserting after section 17 the following Sec. 17A.  
section :—

17A. (1) In this section—

“company employee” means a person who was, on 5th October, 1974, and who continues until 30th November, 1974, to be, an employee of either of the companies employed in or with respect to the operation of passenger ferry services on Port Jackson;

Transfer,  
&c., to  
Commission  
of employees  
of certain  
companies  
operating  
ferry  
services.

“company superannuation scheme” means a scheme or arrangement under which a transferred employee might, if he had continued in the employment of either of the companies on and from 1st December, 1974, have become entitled, after that date, to superannuation, pension, retirement or other benefits;

“the companies” means The Port Jackson and Manly Steamship Company Limited and Sydney Harbour Ferries Pty. Limited;

“transferred employee” means a company employee who becomes an employee of the Commission in accordance with subsection (2).

(2) A company employee—

(a) who, before 1st December, 1974, is offered by the Commission an appointment and employment under section 18 as an employee of the Commission; and

(b)



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*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

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(b) who has been directed by the Commission before 1st December, 1974, to present himself for work as an employee of the Commission on or after 1st December, 1974, and—

- (i) presents himself for work in accordance with that direction; or
- (ii) has, in the opinion of the Commission, a reasonable excuse for not presenting himself for work in accordance with that direction but presents himself for work as such an employee as soon as practicable after the date specified in that direction,

shall, upon presenting himself for work under paragraph (b) (i) or (ii), as the case may be, become an employee of the Commission and be deemed to have been appointed and to be employed under section 18.

(3) A transferred employee shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before 1st December, 1974, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered pursuant to the award of a competent tribunal or an industrial agreement or by the Commission.

(4) Where any condition of employment of a transferred employee was, immediately before 1st December, 1974, regulated by an award or industrial agreement, that condition shall continue to be so regulated until an award of a competent

tribunal



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*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

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tribunal by which the Commission is bound or an industrial agreement is made regulating that condition.

(5) The period of service of a transferred employee with either of the companies shall be deemed to be service with the Commission for the purposes of annual leave, sick leave or long service leave.

(6) A transferred employee shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

(7) Subject to subsection (8), the Commission is authorised to negotiate and agree with the companies, or either of them, a transferred employee and any other person for—

- (a) the continuation, termination or variation of any company superannuation scheme;
- (b) the substitution of any company superannuation scheme by, or the replacement of any company superannuation scheme with, any other superannuation scheme; or
- (c) the merger of any company superannuation scheme with any other company superannuation scheme or with any other superannuation scheme,

and the Commission may do and perform all such other acts and things as it considers necessary to effect such an agreement.

(8) An agreement made by the Commission under subsection (7) shall be not less favourable to a transferred employee than the company superannuation scheme it affects.



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*Public Transport Commission and Sydney Harbour Transport  
(Amendment).*

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Amendment  
of Act No.  
11, 1951.

**3. The Sydney Harbour Transport Act, 1951, is amended—**

Sec. 6.  
(Powers and  
functions.)

- (a) (i) by inserting after section 6 (4) the following subsection :—

(4A) The Board shall, subject to this Act, take all such steps as it may deem necessary to provide for the continued operation of the ferry services which, immediately before 1st December, 1974, were carried on by The Port Jackson and Manly Steamship Company Limited and Sydney Harbour Ferries Pty. Limited.

- (ii) by inserting after section 6 (5) (a) the following paragraph :—

(a1) extend or alter or discontinue any of the ferry services referred to in subsection (4A);

Sec. 7.  
(Contracts.)

- (b) by inserting after section 7 (1) the following subsection :—

(1A) The Board may make and enter into contracts or agreements with any person for or with respect to the use of, or the supply or performance by the Board of any work or service involving, any vessel, wharf, dock, plant, machinery or equipment vested in or operated by the Board.

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

A. R. CUTLER,  
Governor.

*Government House,  
Sydney, 27th November, 1974.*