

**CROWN EMPLOYEES APPEAL BOARD (PUBLIC SERVICE) AMENDMENT ACT, 1979, No. 93**

**New South Wales**



ANNO VICESIMO OCTAVO

**ELIZABETHÆ II REGINÆ**

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**Act No. 93, 1979.**

An Act to amend the Crown Employees Appeal Board Act, 1944, consequent on and in connection with the enactment of the Public Service Act, 1979. [Assented to, 16th May, 1979.]

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*Crown Employees Appeal Board (Public Service) Amendment.*

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**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 "Crown Employees Appeal Board (Public Service) Amendment Act, 1979".

Commence-      **2.** (1) This section and section 1 shall commence on the date  
ment.            of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Public Service Act, 1979.

Principal Act.      **3.** The Crown Employees Appeal Board Act, 1944, is referred to in this Act as the Principal Act.

Schedules.      **4.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amendment of Act No. 15, 1944.      **5.** The Principal Act is amended in the manner set forth in Schedule 1.

Savings and transitional provisions.      **6.** Schedule 2 has effect.

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*Crown Employees Appeal Board (Public Service) Amendment.*

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SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT.

- (1) (a) Section 2 (1), definition of "Office"—

After the definition of "Employing authority",  
insert :—

"Office" includes position.

- (b) Section 2 (1), definition of "Officer"—

(i) From paragraph (b), omit "an employee" where  
firstly occurring, insert instead "a temporary  
employee".

(ii) In paragraph (b), after "Act", insert ", 1979".

- (c) Section 2 (1), definition of "Public Service Act"—

Omit the definition.

- (d) Section 2 (1), definition of "Public Service Board"—

After "Act", insert ", 1979".

- (2) Section 5 (5) (a1)—

Omit "1902", insert instead "1979".

- (3) (a) Section 10 (1)—

After "Service", insert "(Promotion Appeals)".

- (b) Section 10 (1)—

At the end of the subsection, insert :—

Provided further that nothing in this subsection  
shall be construed as entitling a person to appeal to  
the Board in relation to a decision or recommenda-  
tion under or for the purposes of Division 1 of Part  
IV of the Public Service Act, 1979.

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*Crown Employees Appeal Board (Public Service) Amendment.*

## SCHEDULE 2.

Sec. 6.

## SAVINGS AND TRANSITIONAL PROVISIONS.

Pending  
appeals.

1. (1) Any proceedings pending under the Principal Act immediately before the commencement of this Schedule in relation to an officer within the meaning of paragraph (a) or (b) of the definition of "Officer" in section 2 (1) of the Principal Act, shall be heard and disposed of as if this Act and the Public Service Act, 1979, had not been enacted.

(2) Proceedings may be commenced under the Principal Act in relation to any officer referred to in subclause (1) of this clause, being proceedings that could have been commenced before the commencement of this Schedule, and may be heard and disposed of, as if this Act and the Public Service Act, 1979, had not been enacted.

(3) The Crown Employees Appeal Board may, in proceedings referred to in subclause (1) or (2) of this clause, make such a determination as appears to it to be appropriate having a regard to the enactment of this Act and the Public Service Act, 1979.

(4) The determination of the Crown Employees Appeal Board in proceedings referred to in subclause (1) or (2) of this clause shall be given effect to, according to its spirit and intention, by all persons and authorities having authority under the Public Service Act, 1979, in relation to the subject-matter of the proceedings.

Regulations.

2. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) The provisions of clause 20 (2)-(4) of Schedule 6 to the Public Service Act, 1979, apply to and in respect of regulations made under this clause in the same way as they apply to and in respect of regulations made under clause 20 of that Schedule.

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

L. W. STREET,  
*By Deputation from*  
*His Excellency the Governor.*

*Government House,*  
*Sydney, 16th May, 1979.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1979

**CROWN EMPLOYEES APPEAL BOARD (PUBLIC SERVICE)  
AMENDMENT BILL, 1979**

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**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Public Service Bill, 1979.

The object of this Bill is to effect amendments to the Crown Employees Appeal Board Act, 1944, consequent on and in connection with the enactment of the proposed Public Service Act, 1979.

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**CROWN EMPLOYEES APPEAL BOARD (PUBLIC  
SERVICE) AMENDMENT BILL, 1979**

No. , 1979.

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**A BILL FOR**

An Act to amend the Crown Employees Appeal Board Act, 1944,  
consequent on and in connection with the enactment of the  
Public Service Act, 1979.

[MR WRAN—18 April, 1979.]

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*Crown Employees Appeal Board (Public Service) Amendment.*

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**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 :—

5   **1.** This Act may be cited as the “Crown Employees Appeal Board (Public Service) Amendment Bill, 1979”.

**2.** (1) This section and section 1 shall commence on the date of assent to this Act. Commence-  
ment.

      (2) Except as provided by subsection (1), this Act shall  
10 commence on the day appointed and notified under section 2 (2) of the Public Service Act, 1979.

**3.** The Crown Employees Appeal Board Act, 1944, is referred to in this Act as the Principal Act. Principal  
Act.

**4.** This Act contains the following Schedules :— Schedules.

15    **SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.**

**SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.**

**5.** The Principal Act is amended in the manner set forth in Schedule 1. Amendment  
of Act No.  
15, 1944.

**6.** Schedule 2 has effect. Savings and  
transitional  
provisions.

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SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 2 (1), definition of "Office"—

5 After the definition of "Employing authority",  
insert :—

"Office" includes position.

(b) Section 2 (1), definition of "Officer"—

10 (i) From paragraph (b), omit "an employee" where  
firstly occurring, insert instead "a temporary  
employee".

(ii) In paragraph (b), after "Act", insert ", 1979".

(c) Section 2 (1), definition of "Public Service Act"—

Omit the definition.

(d) Section 2 (1), definition of "Public Service Board"—

15 After "Act", insert ", 1979".

(2) Section 5 (5) (a1)—

Omit "1902", insert instead "1979".

(3) (a) Section 10 (1)—

After "Service", insert "(Promotion Appeals)".

20 (b) Section 10 (1)—

At the end of the subsection, insert :—

25 Provided further that nothing in this subsection  
shall be construed as entitling a person to appeal to  
the Board in relation to a decision or recommenda-  
tion under or for the purposes of Division 1 of Part  
IV of the Public Service Act, 1979.

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*Crown Employees Appeal Board (Public Service) Amendment.*

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## SCHEDULE 2.

Sec. 6.

## SAVINGS AND TRANSITIONAL PROVISIONS.

1. (1) Any proceedings pending under the Principal Act immediately before the commencement of this Schedule in relation to an officer within the meaning of paragraph (a) or (b) of the definition of "Officer" in section 2 (1) of the Principal Act, shall be heard and disposed of as if this Act and the Public Service Act, 1979, had not been enacted. Pending appeals.
- (2) Proceedings may be commenced under the Principal Act in relation to any officer referred to in subclause (1) of this clause, being proceedings that could have been commenced before the commencement of this Schedule, and may be heard and disposed of, as if this Act and the Public Service Act, 1979, had not been enacted.
- (3) The Crown Employees Appeal Board may, in proceedings referred to in subclause (1) or (2) of this clause, make such a determination as appears to it to be appropriate having a regard to the enactment of this Act and the Public Service Act, 1979.
- (4) The determination of the Crown Employees Appeal Board in proceedings referred to in subclause (1) or (2) of this clause shall be given effect to, according to its spirit and intention, by all persons and authorities having authority under the Public Service Act, 1979, in relation to the subject-matter of the proceedings.
2. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act. Regulations.
- (2) The provisions of clause 20 (2)-(4) of Schedule 6 to the Public Service Act, 1979, apply to and in respect of regulations made under this clause in the same way as they apply to and in respect of regulations made under clause 20 of that Schedule.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979



