

PUBLIC SERVICE (AMENDMENT) ACT.

Act No. 19, 1944.

George VI.
No. 19, 1944.

An Act to amend the Prisons Act, 1899, the Lunacy Act of 1898, the Public Service Act, 1902, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 14th November, 1944.]

BE it enacted by the King'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
and com-
mencement.

1. (1) This Act may be cited as the "Public Service (Amendment) Act, 1944."

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment
of Act No.
27, 1899.

2. (1) The Prisons Act, 1899, as amended by subsequent Acts, is in this section referred to as the Principal Act.

Sec. 10.
(Appoint-
ment of
keepers,
etc.)

(2) The Principal Act is amended by omitting from section ten the words "nominated and appointed by the Comptroller-General of Prisons subject to the approbation of the Governor" and by inserting in lieu thereof the words "appointed or employed under and subject to all the provisions of the Public Service Act, 1902, as amended by subsequent Acts."

Savings.

(3) (a) All persons appointed before the commencement of this Act under section three of the Act 4 Victoria No. 29, or under section ten of the Principal Act, or under any regulation made or deemed to have been made under the authority of either of those Acts or of the Prisons Act of 1874, and holding office immediately before the commencement of this Act, shall continue to hold such office in all respects as if section ten of the Principal Act, as amended by subsection two
of

of this section, had been in force at the date of their appointment and they had been appointed or employed thereunder. No. 19, 1944.

(b) The period before the commencement of this Act during which any such person held office shall be counted as service for the purposes of the Public Service Act, 1902, and of section thirteen of the Public Service (Amendment) Act, 1919. But this paragraph shall not be construed to entitle any such person to claim, in respect of the same period of service, benefits under the Public Service Act, 1902, or the Public Service (Amendment) Act, 1919, and also benefits under any other Act.

(c) Nothing in this section shall affect any rights which at the commencement of this Act have accrued or are accruing under the Superannuation Act, 1916-1944, to any such person.

3. (1) The Lunacy Act of 1898, as amended by subsequent Acts, is in this section referred to as the Principal Act. Amendment of Act No. 45, 1898.

(2) The Principal Act is amended by inserting next after section three the following new section:— New sec. 3A.

3A. All superintendents, deputy superintendents, medical officers and other officers referred to in sections twenty-six, fifty-three and sixty of this Act shall be appointed or employed under and subject to all the provisions of the Public Service Act, 1902, as amended by subsequent Acts. Appointment of superintendents, medical officers, etc. subject to Public Service Act, 1902.

(3) (a) All persons appointed before the commencement of this Act under section nineteen, section forty-six or section fifty-three of the Lunacy Act of 1878, or under section twenty-six, section fifty-three or section sixty of the Principal Act, or under any regulation made or deemed to have been made under the authority of either of those Acts, and holding office immediately before the commencement of this Act, shall continue to hold such office in all respects as if section 3A of the Principal Act, as inserted by subsection two of this section, had been in force at the date of their appointment and they had been appointed or employed thereunder. Savings.

(b)

No. 19, 1944.

(b) The period before the commencement of this Act during which any such person held office shall be counted as service for the purposes of the Public Service Act, 1902, and of section thirteen of the Public Service (Amendment) Act, 1919. But this paragraph shall not be construed to entitle any such person to claim in respect of the same period of service benefits under the Public Service Act, 1902, or the Public Service (Amendment) Act, 1919, and also benefits under any other Act.

(c) Nothing in this section shall affect any rights which at the commencement of this Act have accrued or are accruing under the Superannuation Act, 1916-1944, to any such person.

Amendment
of Act No.
31, 1902.
Sec. 62.

4. The Public Service Act, 1902, as amended by subsequent Acts, is amended—

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

(2) The provisions of subsection one of this section shall not apply to or in respect of any such duty, power or authority so specifically imposed or conferred upon any officer in the Public Service—

(a) by the Lunacy Act of 1878 or the Lunacy Act of 1898 or by any regulation made or deemed to have been made under either of those Acts;

(b) by the Act 4 Victoria No. 29 or the Prisons Act of 1874 or the Prisons Act, 1899, or by any regulation made or deemed to have been made under any of those Acts.

Sec. 71A.
(Repeal.)

(b) by omitting section 71A.