

**PUBLIC SERVICE AND OTHER STATUTORY BODIES
(EXTENDED LEAVE) AMENDMENT ACT.**

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 6, 1971.

An Act to provide additional extended leave for certain persons; to withdraw certain rights relating to extended leave from certain persons dismissed from their employment for serious and wilful misconduct; for these purposes to amend the Public Service (Amendment) Act, 1919, the Teaching Service Act, 1970, the Irrigation Act, 1912, the Main Roads Act, 1924, the Government Railways Act, 1912, the Transport Act, 1930, and the Police Regulation Act, 1899; and for purposes connected therewith. [Assented to, 12th May, 1971.]

BE

*Public Service and Other Statutory Bodies (Extended Leave)
Amendment.*

BE it enacted by the Queen's Most Excellent Majesty, by No. 6, 1971
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 Short title.
Other Statutory Bodies (Extended Leave) Amendment Act,
1971".

2. The Public Service (Amendment) Act, 1919, is Amendment
of Act No.
43, 1919.
amended—

(a) by omitting subsection one of section thirteen and Sec. 13.
by inserting in lieu thereof the following sub- (Leave of
absence
after years
of service.)
sections :—

(1) Subject to this section, an officer shall be
entitled—

(a) after service for ten years, to leave for two
months on full pay or four months on half
pay; and

(b) after service in excess of ten years, to—

(i) leave pursuant to paragraph (a) of
this subsection; and

(ii) in addition, an amount of leave
proportionate to his length of
service after ten years, calculated on
the basis of five months on full
pay, or ten months on half pay, for
ten years served after service for ten
years.

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(1A) For the purpose of calculating the entitlement of a person to extended leave under this section at any time—

(a) service referred to in this section includes service before the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1971;

(b) there shall be deducted from the amount of extended leave to which, but for this paragraph, that person would be entitled—

(i) any extended leave, or leave in the nature of extended leave; and

(ii) the equivalent, in extended leave, of any benefit in lieu of extended leave or leave in the nature of extended leave,

taken or received by that person before that time, including any such leave taken, or benefit received, by that person before that commencement pursuant to a repealed provision of this Act; and

(c) the provisions of the Transferred Officers Extended Leave Act, 1961, shall have effect,

but nothing in this subsection shall be construed as authorising, in respect of the same period of leave taken or the same benefit received, a deduction under both paragraph (b) of this subsection and subsection seven of section three of the Transferred Officers Extended Leave Act, 1961.

(b) by inserting in subsection three of the same section after the words “for any reason” the words “other than the officer’s serious and wilful misconduct”.

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3. The Teaching Service Act, 1970, is amended—

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Amendment
of Act No.
4, 1970.

- (a) by omitting subsections one and two of section thirty-four and by inserting in lieu thereof the following subsections :—

Sec. 34.
(Long
service
leave en-
titlement.)

(1) Subject to this section, an officer shall be entitled—

(a) after service for ten years, to leave for two months on full pay or four months on half pay; and

(b) after service in excess of ten years, to—

(i) leave pursuant to paragraph (a) of this subsection; and

(ii) in addition, an amount of leave proportionate to his length of service after ten years, calculated on the basis of five months on full pay, or ten months on half pay, for ten years served after service for ten years.

(2) For the purpose of calculating the entitlement of a person to extended leave under this section at any time—

(a) there shall be deducted from the amount of extended leave to which, but for this paragraph, that person would be entitled—

(i) any extended leave or leave in the nature of extended leave; and

(ii) the equivalent, in extended leave, of any benefit in lieu of extended leave or leave in the nature of extended leave,

taken

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taken or received by that person before that time, including any such leave taken, or benefit received, by that person before that commencement pursuant to a repealed provision of this Act or the Public Service (Amendment) Act, 1919; and

- (b) the provisions of the Transferred Officers Extended Leave Act, 1961, shall have effect,

but nothing in this subsection shall be construed as authorising, in respect of the same period of leave taken or the same benefit received, a deduction under both paragraph (a) of this subsection and subsection seven of section three of the Transferred Officers Extended Leave Act, 1961.

- (b) by omitting subsection three of the same section;
- (c) by inserting in subsection four of the same section after the words "for any reason" the words "other than the officer's serious and wilful misconduct";
- (d) by omitting subsection five of the same section;
- (e) by omitting from paragraph (a) of subsection six of the same section the words "subsections one, two and three" and by inserting in lieu thereof the words "subsection one";
- (f) by omitting from subparagraph (i) of the same paragraph the words "this Act, under" and by inserting in lieu thereof the words "the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1971, under this Act or".

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4. The Irrigation Act, 1912, is amended—

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Amendment
of Act No.
73, 1912.

- (a) by omitting subsection one of section 5c and by inserting in lieu thereof the following subsections :—

Sec. 5c.
(Leave of
absence
after years
of service.)

(1) Subject to this section, an officer shall be entitled—

(a) after service for ten years, to leave for two months on full pay or four months on half pay; and

(b) after service in excess of ten years, to—

(i) leave pursuant to paragraph (a) of this subsection; and

(ii) in addition, an amount of leave proportionate to his length of service after ten years, calculated on the basis of five months on full pay, or ten months on half pay, for ten years served after service for ten years.

(2) For the purpose of calculating the entitlement of a person to extended leave under this section at any time—

(a) service referred to in this section includes service before the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1971;

(b) there shall be deducted from the amount of extended leave to which, but for this paragraph, that person would be entitled—

(i) any extended leave, or leave in the nature of extended leave; and

(ii)

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(ii) the equivalent, in extended leave, of any benefit in lieu of extended leave or leave in the nature of extended leave,

taken or received by that person before that time, including any such leave taken, or benefit received, by that person before that commencement pursuant to a repealed provision of this Act; and

(c) the provisions of the Transferred Officers Extended Leave Act, 1961, shall have effect,

but nothing in this subsection shall be construed as authorising, in respect of the same period of leave taken or the same benefit received, a deduction under both paragraph (b) of this subsection and subsection seven of section three of the Transferred Officers Extended Leave Act, 1961.

(b) by inserting in subsection (2A) of the same section after the words "for any reason" the words "other than the officer's serious and wilful misconduct".

**Amendment
of Act No.
24, 1924.**

5. The Main Roads Act, 1924, is amended—

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

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

(1) Subject to this section, a Commissioner appointed under the Transport (Division of Functions) Act, 1932, an Assistant Commissioner so appointed and an officer shall be entitled—

(a) after service for ten years, to leave for two months on full pay or four months on half pay; and

(b)

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(b) after service in excess of ten years, to— No. 6, 1971

- (i) leave pursuant to paragraph (a) of this subsection; and
- (ii) in addition, an amount of leave proportionate to his length of service after ten years, calculated on the basis of five months on full pay, or ten months on half pay, for ten years served after service for ten years.

(1A) For the purpose of calculating the entitlement of a person to extended leave under this section at any time—

- (a) service referred to in this section includes service before the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1971;
- (b) there shall be deducted from the amount of extended leave to which, but for this paragraph, that person would be entitled—
 - (i) any extended leave, or leave in the nature of extended leave; and
 - (ii) the equivalent, in extended leave, of any benefit in lieu of extended leave or leave in the nature of extended leave,

taken or received by that person before that time, including any such leave taken, or benefit received, by that person before that commencement pursuant to a repealed provision of this Act; and

- (c) the provisions of the Transferred Officers Extended Leave Act, 1961, shall have effect,

but

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but nothing in this subsection shall be construed as authorising, in respect of the same period of leave taken or the same benefit received, a deduction under both paragraph (b) of this subsection and subsection seven of section three of the Transferred Officers Extended Leave Act, 1961.

- (b) by inserting in subsection (1B) of the same section after the words "for any reason" the words "other than the officer's serious and wilful misconduct".

Amendment
of Act No.
30, 1912.

6. The Government Railways Act, 1912, is amended—

Sec. 100A.
(Annual
leave,
extended
leave and
retiring
leave of
officers.)

- (a) by omitting subsection two of section 100A and by inserting in lieu thereof the following subsections :—

(2) Subject to this section, an officer shall be entitled—

- (a) after service for ten years, to leave for two months on full pay or four months on half pay; and

(b) after service in excess of ten years, to—

(i) leave pursuant to paragraph (a) of this subsection; and

(ii) in addition, an amount of leave proportionate to his length of service after ten years, calculated on the basis of five months on full pay, or ten months on half pay, for ten years served after service for ten years.

(2A)

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(2A) For the purpose of calculating the entitlement of a person to extended leave under this section at any time—

- (a) service referred to in this section includes service before the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1971;
- (b) there shall be deducted from the amount of extended leave to which, but for this paragraph, that person would be entitled—
 - (i) any extended leave, or leave in the nature of extended leave; and
 - (ii) the equivalent, in extended leave, of any benefit in lieu of extended leave or leave in the nature of extended leave,

taken or received by that person before that time, including any such leave taken, or benefit received, by that person before that commencement pursuant to a repealed provision of this Act; and

- (c) the provisions of the Transferred Officers Extended Leave Act, 1961, shall have effect,

but nothing in this subsection shall be construed as authorising, in respect of the same period of leave taken or the same benefit received, a deduction under both paragraph (b) of this subsection and subsection seven of section three of the Transferred Officers Extended Leave Act, 1961.

- (b) by omitting from subsection (2B) of the same section the words "Governor or the Commissioner for Railways for any reason" and by inserting in lieu thereof the words "Commissioner for Railways

or

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or officer at the head of a branch of the railway service for any reason other than the officer's serious and wilful misconduct".

Amendment
of Act No.
18, 1930.

7. The Transport Act, 1930, is amended—

Sec. 123.
(Annual
leave
and leave
of absence
after years
of service.)

(a) by omitting subsection two of section one hundred and twenty-three and by inserting in lieu thereof the following subsections :—

(2) Subject to this section, an officer shall be entitled—

(a) after service for ten years, to leave for two months on full pay or four months on half pay; and

(b) after service in excess of ten years, to—

(i) leave pursuant to paragraph (a) of this subsection; and

(ii) in addition, an amount of leave proportionate to his length of service after ten years, calculated on the basis of five months on full pay, or ten months on half pay, for ten years served after service for ten years.

(2A) For the purpose of calculating the entitlement of a person to extended leave under this section at any time—

(a) service referred to in this section includes service before the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1971;

(b)

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(b) there shall be deducted from the amount of No. 6, 1971 extended leave to which, but for this paragraph, that person would be entitled—

(i) any extended leave, or leave in the nature of extended leave; and

(ii) the equivalent, in extended leave, of any benefit in lieu of extended leave or leave in the nature of extended leave,

taken or received by that person before that time, including any such leave taken, or benefit received, by that person before that commencement pursuant to a repealed provision of this Act; and

(c) the provisions of the Transferred Officers Extended Leave Act, 1961, shall have effect,

but nothing in this subsection shall be construed as authorising, in respect of the same period of leave taken or the same benefit received, a deduction under both paragraph (b) of this subsection and subsection seven of section three of the Transferred Officers Extended Leave Act, 1961.

(b) by omitting from subsection (2B) of the same section the words "Governor, the Commissioner for Government Transport or the Commissioner for Motor Transport for any reason" and by inserting in lieu thereof the words "Commissioner for Government Transport, the Commissioner for Motor Transport or the officer at the head of a branch of the service of the Commissioner for Government Transport or the Commissioner for Motor Transport for any reason other than the officer's serious and wilful misconduct".

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No. 6, 1971 8. The Police Regulation Act, 1899, is amended—

Amendment
of Act No.
20, 1899.
Sec. 12A.
(Leave of
absence
after years
of service.)

(a) by omitting subsection one of section 12A and by inserting in lieu thereof the following subsections :—

(1) Subject to this section, a member of the police force shall be entitled—

(a) after service for ten years, to leave for two months on full pay or four months on half pay;

(b) after service in excess of ten years, to—

(i) leave pursuant to paragraph (a) of this subsection; and

(ii) in addition, an amount of leave proportionate to his length of service after ten years, calculated on the basis of five months on full pay, or ten months on half pay, for ten years served after service for ten years.

(2) For the purpose of calculating the entitlement of a person to extended leave under this section at any time—

(a) service referred to in this section includes service before the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1971;

(b) there shall be deducted from the amount of extended leave to which, but for this paragraph, that person would be entitled—

(i) any extended leave, or leave in the nature of extended leave; and

(ii)

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- (ii) the equivalent, in extended leave, of any benefit in lieu of extended leave or leave in the nature of extended leave, No. 6, 1971

taken or received by that person before that time, including any such leave taken, or benefit received, by that person before that commencement pursuant to a repealed provision of this Act; and

- (c) the provisions of the Transferred Officers Extended Leave Act, 1961, shall have effect,

but nothing in this subsection shall be construed as authorising, in respect of the same period of leave taken or the same benefit received, a deduction under both paragraph (b) of this subsection and subsection seven of section three of the Transferred Officers Extended Leave Act, 1961.

- (b) by inserting in subsection three of the same section after the words "for any reason" the words "other than the member's serious and wilful misconduct".

9. Where, pursuant to an Act amended by this Act, a person was entitled, on or after the first day of January, one thousand nine hundred and seventy-one, and before the commencement of this Act, to extended leave, or leave in the nature of extended leave, or a benefit in lieu of extended leave or leave in the nature of extended leave, and was so entitled by virtue of service for not less than ten years, that person shall be deemed to have been so entitled as if this Act had commenced on the first day of January, one thousand nine hundred and seventy-one.

Amendments
to operate
in respect
of certain
past en-
titlements.