

**PUBLIC TRANSPORT COMMISSION AND SYDNEY
HARBOUR TRANSPORT (AMENDMENT) ACT.**

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

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).*

BE it enacted by the Queen's Most Excellent Majesty, by No. 81, 1974
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 Transport Com- Short
mission and Sydney Harbour Transport (Amendment) Act, title.
1974".

2. The Public Transport Commission Act, 1972, is Amendment
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";

(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
Act as the Deputy Chief Commissioner ;

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

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

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

(c)

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

No. 81, 1974

Sec. 8.
(Appointment of substitutes to act during absence of commissioners.)

- (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";
- (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";

Sec. 12.
(Meetings of the Commission.)

- (d) by omitting section 12 (3);

Sec. 13.
(Dissolution of Commissioner for Railways and Commissioner for Government Transport.)

- (e) (i) by omitting from section 13 (4) the word ", construed," and by inserting instead the words "or construed as a reference to, or";
- (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:—

No. 81, 1974

13A. (1) In this section—

Sec. 13A.
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 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).*

No. 81, 1974

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

Sec. 17A.

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

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

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—

(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)

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

(b) who has been directed by the Commission **No. 81, 1974** 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

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

No. 81, 1974

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.

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

3. The Sydney Harbour Transport Act, 1951, is No. 81, 1974 amended—

Amendment
of Act No.
11, 1951.

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

Sec. 6.
(Powers and
functions.)

(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);

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

Sec. 7.
(Contracts.)

(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.

IRRIGATION