

## TRANSPORT (AMENDMENT) ACT.

### Act No. 32, 1942.

An Act to make further provision for and with respect to annual leave and retiring or extended leave for officers employed in the transport services under the Transport Act, 1930, as amended by subsequent Acts; for this purpose to amend the said Act in certain respects; and for purposes connected therewith. [Assented to, 24th December, 1942.]

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:—

**1.** (1) This Act may be cited as the "Transport (Amendment) Act, 1942." Short title and citation.

(2) In this Act the Transport Act, 1930, as amended by subsequent Acts, is referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Transport Act, 1930-1942.

(4) This Act shall be deemed to have commenced on the first day of October, one thousand nine hundred and forty-one.

**2.** The Principal Act is amended by omitting section one hundred and twenty-three and by inserting in lieu thereof the following section:—

123. (1) Every officer shall be entitled to at least two weeks leave on full pay in respect of each twelve months of actual service, in addition to bank and public holidays observed throughout the State: Amendment of Act No. 18, 1930. Substituted section 123. Annual leave, extended leave, and retiring leave of officers.

Provided that any officer who cannot take his leave on any such bank or public holidays by reason that he has been required to work on such days shall be entitled in lieu thereof to leave on full pay for the same number of days at some future time.

(2)

No. 32, 1942.

(2) Every officer who at the commencement of the Transport (Amendment) Act, 1942, has completed twenty years of actual service and who has, before such commencement, had at least one month's extended leave on full pay shall—

- (a) if he retires or is retired before the termination of the present war between His Majesty and Germany and her allies be entitled, upon such retirement, to at least two months retiring leave on full pay;
- (b) if still employed as an officer at such termination, be entitled to at least two months further extended leave on full pay.

(3) Every officer who at the commencement of the Transport (Amendment) Act, 1942, has completed twenty years of actual service, but who has not, before such commencement, had at least one month's extended leave on full pay, shall be entitled to at least one month's extended leave on full pay and shall—

- (a) if he retires or is retired before the termination of the said war, be entitled, upon such retirement, to at least two months retiring leave on full pay;
- (b) if still employed as an officer at such termination, be entitled to at least two months further extended leave on full pay.

(4) Every officer who after the commencement of the Transport (Amendment) Act, 1942, and before the termination of the said war, completes twenty years of actual service, shall be entitled to at least one month's extended leave on full pay and shall—

- (a) if he retires or is retired before such termination, be entitled, upon such retirement, to at least two months retiring leave on full pay;
- (b) if he is still employed as an officer at such termination, be entitled to at least two months further extended leave on full pay.

(5) Every officer who, after the commencement of the Transport (Amendment) Act, 1942, and after the termination of the said war, completes twenty

twenty years of actual service, shall be entitled to at No. 32, 1942. least three months extended leave on full pay.

(6) Any extended leave to which an officer is entitled under this section shall, if taken before the retirement of such officer, be so taken at such time as the exigencies of the transport service permit.

(7) The Commissioner for Road Transport and Tramways may, if he is satisfied that exceptional circumstances warrant him so to do, grant permission to an officer who is entitled under this section to retiring leave to take such leave by way of extended leave before his retirement.

(8) (a) In this subsection "annual salaried officer" means an officer whose salary is not paid at an hourly, daily or weekly rate, but is paid at a yearly rate.

(b) Subsections two, three, four, five, six and seven of this section shall not extend to or in respect of an annual salaried officer.

(c) Every annual salaried officer, who, either before or after the commencement of the Transport (Amendment) Act, 1942, has completed twenty years of service as an officer, shall be entitled to at least one month's extended leave on full pay:

Provided that an annual salaried officer, who, as an officer, has taken not less than one month's extended leave before the commencement of the Transport (Amendment) Act, 1942, shall not be entitled to any further extended leave under this paragraph:

Provided further, that an annual salaried officer, who, as an officer, has taken not less than one month's extended leave pursuant to subsection three or subsection four, or subsection five of this section, or not less than one month's retiring leave by way of extended leave pursuant to subsection seven of this section, shall not be entitled to any further leave under this paragraph.

(9) For the purposes of this section the expression "service" shall include service with the Railway Commissioners for New South Wales prior to transfer under this Act and service in the employment of the Commissioner.