

**GOVERNMENT RAILWAYS AND TRANSPORT
(AMENDMENT) ACT.**

Act No. 31, 1953.

Elizabeth II,
No. 31, 1953.

An Act to make further provisions relating to long service leave for officers of the Departments of Railways, Government Transport and Motor Transport; for this purpose to amend the Government Railways Act, 1912-1952, and the Transport Act, 1930-1952; and for purposes connected therewith. [Assented to, 11th December, 1953.]

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:—

1. (1) This Act may be cited as the "Government Railways and Transport (Amendment) Act, 1953." Short title
and
citation.

(2) The Government Railways Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Government Railways Act, 1912-1953.

(3) The Transport Act, 1930, as amended by subsequent Acts and by this Act, may be cited as the Transport Act, 1930-1953.

2. The Government Railways Act, 1912-1952, is amended by omitting subsections two to eight, both inclusive, of section 100A, and by inserting in lieu thereof the following subsections:— Amendment of
Act No. 30,
1912.
Sec. 100A.
(Annual leave,
extended leave,
and retiring
leave of
officers.)

(2) Every officer who whether before or after the commencement of the Government Railways and Transport (Amendment) Act, 1953, has had fifteen years service shall be entitled to three months leave on full pay or six months on half pay, and on the completion of twenty years service shall be entitled to

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a further three months leave on full pay or six months on half pay. After completion of further service after twenty years and up to a total service of forty years in all, he shall be entitled to a further proportionate amount of leave on full pay or half pay calculated on the basis of six months or twelve months respectively for twenty years service:

Provided that an officer entitled to leave in pursuance of the provisions of this subsection shall not be entitled to leave in pursuance of the provisions of subsections two to eight, both inclusive, of this section as enacted immediately before the commencement of the Government Railways and Transport (Amendment) Act, 1953, and any leave taken by an officer before such commencement in pursuance of the provisions of the said subsections two to eight as enacted immediately before such commencement shall be deducted from the leave to which such officer is entitled under this subsection.

(3) Any officer who has acquired a right to leave under subsection two of this section, has attained the age of sixty years and retires or is retired shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

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

(5) Where an officer has acquired a right under subsection two of this section to leave and dies before entering upon it, or after entering upon it, dies before its termination, his widow, or in the case of a widower leaving children, his children, or their guardian, or other dependent relative, or their legal representative, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of pay the officer received at the time of his death:

Provided that where payment of the money value of leave has been made under this subsection, no action may be brought against the Commissioner for Railways for payment of any amount in respect of such leave.

(6)

(6) No officer shall be entitled to benefits under subsection two of this section as well as to benefits of the like nature under the provisions of any other enactment for the same period of service. No. 31, 1953.

(7) For the purposes of this section "service" includes service with the Department of Railways, the Department of Government Transport and the Department of Motor Transport or any authority which before the establishment of any such Department exercised or discharged any of the powers, authorities, duties or functions exercised or discharged by such Department.

3. The Transport Act, 1930-1952, is amended by omitting subsections two to nine, both inclusive, of section one hundred and twenty-three and by inserting in lieu thereof the following subsections:—

Amendment of
Act No. 18,
1950.
Sec. 123.
(Annual leave,
extended leave,
and retiring
leave of
officers.)

(2) Every officer who whether before or after the commencement of the Government Railways and Transport (Amendment) Act, 1953, has had fifteen years service shall be entitled to three months leave on full pay or six months on half pay, and on the completion of twenty years service shall be entitled to a further three months leave on full pay or six months on half pay. After completion of further service after twenty years and up to a total service of forty years in all, he shall be entitled to a further proportionate amount of leave on full pay or half pay calculated on the basis of six months or twelve months respectively for twenty years service: Provided that an officer entitled to leave in pursuance of the provisions of this subsection shall not be entitled to leave in pursuance of the provisions of subsections two to nine, both inclusive, of this section as enacted immediately before the commencement of the Government Railways and Transport (Amendment) Act, 1953, and any leave taken by an officer before such commencement in pursuance of the provisions of the said subsections two to nine as enacted immediately before such commencement shall be deducted from the leave to which such officer is entitled under this subsection.

(3)

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(3) Any officer who has acquired a right to leave under subsection two of this section, has attained the age of sixty years and retires or is retired shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

(4) Any leave to which an officer is entitled under subsection two of this section shall, if taken before the retirement of such officer, be so taken at such time as the exigencies of the departmental services permit.

(5) Where an officer has acquired a right under subsection two of this section to leave and dies before entering upon it, or after entering upon it, dies before its termination, his widow, or in the case of a widower leaving children, his children, or their guardian, or other dependent relative, or their legal representative, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of pay the officer received at the time of his death:

Provided that where payment of the money value of leave has been made under this subsection no action may be brought for payment of any amount in respect of such leave.

(6) No officer shall be entitled to benefits under subsection two of this section as well as to benefits of the like nature under the provisions of any other enactment for the same period of service.

(7) For the purposes of this section "service" includes service with the Department of Railways, the Department of Government Transport and the Department of Motor Transport or any authority which before the establishment of any such Department exercised or discharged any of the powers, authorities, duties or functions exercised or discharged by such Department.