

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

Act No. 37, 1956.

An Act to make further provision relating to the payment of the money value of extended leave in respect of officers of the Public Service, the Water Conservation and Irrigation Commission and the Department of Main Roads; for this and other purposes to amend the Public Service (Amendment) Act, 1919, the Irrigation Act, 1912, the Main Roads Act, 1924, the Superannuation Act, 1916, and certain other Acts; and for purposes connected therewith. [Assented to, 9th November, 1956.] Elizabeth II,
No. 37, 1956.

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. This Act may be cited as the "Public Service and Other Statutory Bodies (Extended Leave) Act, 1956." Short title.

2. (1) The Public Service (Amendment) Act, 1919, as amended by subsequent Acts, is amended— Amendment
of Act No.
43, 1919.

(a) (i) by inserting at the end of paragraph (b) of subsection one of section 13A the following word and new paragraphs:— Sec. 13A.
(Gratuity
in lieu of
extended
leave.)

"or

(c) who under the provisions of section twenty-one of the Superannuation Act, 1916, as amended by subsequent Acts, is entitled to elect to retire

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retire or entitled to retire from the Public Service on pension upon or after reaching the age of fifty-five years and who so retires before reaching the age of sixty years, or

(d) resigns from the Public Service and whose resignation is accepted by the Governor, or

(e) whose services terminate by reason of retrenchment,";

(ii) by inserting next after the same subsection the following new subsection:—

(1A) An officer who has acquired a right to extended leave with pay and whose retirement from the Public Service has been caused under the provisions of section sixty-three of the Public Service Act, 1902, as amended by subsequent Acts, 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.

Sec. 14.
(Payment
of money
value of
leave not
taken or
completed.)

(b) by inserting at the end of subsection one of section fourteen the words "less any amount paid to such officer or member in respect of the leave not taken, or not completed."

(2) Any officer referred to in paragraph (c) or (d) of subsection one or in subsection (1A) of section 13A of the Public Service (Amendment) Act, 1919, as amended by subsequent Acts and by this Act, who before the date on which this Act takes effect has entered upon extended leave shall, unless he otherwise elects as hereinafter provided, be paid forthwith in lieu of such portion of the extended leave as is not completed at such date the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

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Any such officer may as soon as practicable after the date on which this Act takes effect by notice in writing given to his employer elect to have any payment in respect of extended leave not taken by him before such date made to him in the same manner as any payment in respect of extended leave taken by him before such date was made to him.

(3) This subsection shall apply to any person who before the date on which this Act takes effect was, under the provisions of section twenty-one of the Superannuation Act, 1916, as amended by subsequent Acts, entitled to elect to retire or entitled to retire from the Public Service on pension upon or after reaching the age of fifty-five years and who so retired before reaching the age of sixty years and who has not exercised the right of election conferred on him by subsection two of this section.

Where any pension to which any person to whom this subsection applies is entitled under the Superannuation Act, 1916, as amended by subsequent Acts, has not commenced before the date on which this Act takes effect such pension shall commence from such date.

3. The Irrigation Act, 1912, as amended by subsequent Acts, is amended—

(a) by inserting at the end of subsection one of section 5D the words “less any amount paid to such commissioner or officer in respect of the leave not taken, or not completed.”

Amendment
of Act No.
73, 1912.
Sec. 5D.
(Payment of
money
value of
leave not
taken or
completed.)

(b) (i) by inserting at the end of paragraph (b) of subsection one of section 5E the following word and new paragraphs:—

Sec. 5E.
(Gratuity in
lieu of
extended
leave.)

“or

(c) who under the provisions of section twenty-one of the Superannuation Act, 1916, as amended by subsequent Acts, is entitled to elect to retire or entitled to retire from the service of the Commission on pension

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pension upon or after reaching the age of fifty-five years and who so retires before reaching the age of sixty years, or

(d) resigns from the service of the Commission and whose resignation, if he is an officer appointed by the Governor, is accepted by the Governor or, if he is an officer appointed by the Commission, is accepted by the Commission, or

(e) whose services terminate by reason of retrenchment,";

(ii) by inserting next after the same subsection the following new subsection:—

(1A) An officer who has acquired a right to extended leave with pay and whose services terminate by reason of his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen from actual misconduct on his part or from causes within his control, 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.

Amendment
of Act No.
24, 1924.

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

4. The Main Roads Act, 1924, as amended by subsequent Acts, is amended—

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

(2) A Commissioner, an Assistant Commissioner or an officer who has acquired a right to extended leave with pay and—

(a) retires or is retired from his office or from the service of the Commissioner,

(b)

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(b) resigns his office or from the service of the Commissioner and, such resignation if he is a Commissioner, an Assistant Commissioner or an officer appointed by the Governor, is accepted by the Governor or, if he is an officer appointed by the Commissioner, is accepted by the Commissioner, or

(c) whose services terminate by reason of retrenchment,

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. Any pension to which any such Commissioner, Assistant Commissioner or officer is entitled under the Superannuation Act, 1916, as amended by subsequent Acts, shall commence from the date upon which his extended leave, if taken, would have commenced.

(2A) A Commissioner, an Assistant Commissioner or an officer who has acquired a right to extended leave with pay and whose services terminate by reason of his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen from actual misconduct on his part or from causes within his control, 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.

(b) by inserting at the end of paragraph (a) of subsection (4A) of the same section the words "less any amount paid to such Commissioner, Assistant Commissioner or officer in respect of the leave not taken, or not completed."

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Amendment
of Act No.
28, 1916.

Sec. 28A.
(Pension on
retirement
before 60.)

5. The Superannuation Act, 1916, as amended by subsequent Acts, is amended by omitting from subsection three of section 28A the words and symbols “(whether recreation leave, extended leave or any other form of leave whatsoever)” and by inserting in lieu thereof the words “other than extended leave.”
