

**BROKEN HILL WATER AND SEWERAGE
(AMENDMENT) ACT.**

Act No. 40, 1956.

**Elizabeth II,
No. 40, 1956.**

An Act to make further provision relating to certain members of the Broken Hill Water Board; for this and other purposes to amend the Broken Hill Water and Sewerage Act, 1938-1954; and for purposes connected therewith. [Assented to, 21st November, 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 :—

Short title,
citation and
commence-
ment,

1. (1) This Act may be cited as the "Broken Hill Water and Sewerage (Amendment) Act, 1956".

(2)

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(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette. No. 40, 1956.

(3) The Broken Hill Water and Sewerage Act, 1938, as amended by subsequent Acts and by this Act, may be cited as the Broken Hill Water and Sewerage Act, 1938-1956.

2. The Broken Hill Water and Sewerage Act, 1938-1954, is amended— Amendment
of Act No.
23, 1938.

(a) (i) by omitting from paragraph (a) of sub-section four of section four the words “president or”; Sec. 4.
(Constitu-
tion of the
Board.)

(ii) by omitting from the same paragraph the words “either a member of the Public Service Board or”;

(b) (i) by omitting from subsection two of section eight the words “A vice-president who is not a member of the Public Service Board and each” and by inserting in lieu thereof the word “Each”; Sec. 8.
(Remunera-
tion of
members.)

(ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—

(3) The vice-president shall, notwithstanding the provisions of any Act or of any rule or regulation made under any Act, be entitled to receive remuneration under this section and section nine of this Act in addition to any remuneration to which he is entitled as an officer of the public service.

(iii) by inserting in subsection four of the same section after the word “member” the words “other than president”;

(iv)

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

(5) The president shall not during his term of office engage in any trade, business, or in any paid employment other than the performance of his duties under this Act.

(6) (a) Where the president of the board was not immediately before his appointment as such a contributor to the State Superannuation Fund he shall if he was immediately before his appointment a permanent servant within the meaning of the Local Government and Other Authorities (Superannuation) Act, 1927-1954, continue to be such a permanent servant or if he was not immediately before his appointment such a permanent servant he may within three months after his appointment elect in writing addressed to the board to become such a permanent servant. The board shall in respect of any president so continuing or electing to be such a permanent servant be deemed to be a council within the meaning of the said Act.

(b) Where the president of the board was immediately before his appointment as such a contributor to the State Superannuation Fund he shall retain any rights which immediately before his appointment have accrued or are accruing to him under the Superannuation Act, 1916, as amended by subsequent Acts, and shall continue to contribute to any fund or account, and shall be entitled to receive any annual leave, sick leave or long service or extended leave and any payment, pension, or gratuity as if he had continued to be a servant of the employer by whom he was employed
immediately

immediately before his appointment or an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, as the case may be. No. 40, 1956.

For the purposes of this paragraph the service of a servant with the employer by whom such servant was employed immediately before his appointment shall be deemed to be service with the board.

In respect of a president to whom this paragraph applies the board shall pay to the State Superannuation Board such contributions and payments as would have been payable by the employer by whom he was employed immediately before his appointment if such president had remained a servant of such employer and had been paid remuneration as salary at the rate paid to him under this Act.

(c) Where the president of the board was not immediately before his appointment as such a contributor to the State Superannuation Fund he shall for the purposes of determining his entitlement to annual leave, sick leave or long service or extended leave be deemed to be an officer of the board and if he immediately before his appointment was an officer of the board his service as president shall for such purposes be deemed to be service as an officer of the board.

(d) A person who, immediately before his appointment as president, was an officer of the public service and who ceases to be president from any cause whatsoever otherwise than in pursuance of section six of this Act (paragraph (b) excepted)

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excepted) shall if he is under the age of sixty years be appointed to some office in the public service not lower in classification and salary than that which he held immediately before his appointment as president.

Sec. 9.
(Powers,
etc., of vice-
president.)

(c) by omitting from section nine the words "A vice-president who is not a member of the Public Service Board" and by inserting in lieu thereof the words "The vice-president";

New sec.
19A.
Preserva-
tion of
rights of
certain
officers.

(d) by inserting next after section nineteen the following new section:—

19A. (1) Any officer of the public service who, at the commencement of the Broken Hill Water and Sewerage (Amendment) Act, 1956, is employed in the Broken Hill District of the Public Works Department and who, within three months after the said commencement terminates his employment in the public service and enters the service of the board shall, if immediately before he entered the service of the board he was a contributor to the State Superannuation Fund, retain any rights which immediately before he entered the service of the board had accrued or were accruing to him as an officer of the public service or as an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, and shall continue to contribute to any fund or account, and shall be entitled to receive any annual leave, sick leave or long service or extended leave and any payment, pension, or gratuity as if he had continued to be an officer of the public service or an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, as the case may be.

(2) For the purposes of subsection one of this section, service with the public service shall be deemed to be service with the board.

(3)

(3) In respect of any person to whom subsection one of this section applies the board shall pay to the State Superannuation Board such contributions and payments as would have been payable by his employer if such person had remained an officer of the public service and had been paid salary or wages at the rate paid to him by the board. No. 40, 1956.

(4) The provisions of the Local Government and Other Authorities (Superannuation) Act, 1927-1954, shall not apply to any person to whom subsection one of this section applies.

- (e) by omitting from subsection one of section twenty the word "Secretary-manager" and by inserting in lieu thereof the word "Secretary"; Sec. 20.
(Officers
and
workmen.)
- (f) by inserting in section 24A after the words "for the accommodation of" the words "the president and"; Sec. 24A.
(Residences
for
servants.)
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