

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

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**Act No. 27, 1955.**

**Elizabeth II,  
No. 27, 1955.**

**An** Act to make further provision relating to long service leave and the payment of the money value thereof in respect of officers of the Public Service, the Water Conservation and Irrigation Commission, and the Departments of Main Roads, Railways, Government Transport and Motor Transport, and members of the Police Force; for these purposes to amend the Public Service (Amendment) Act, 1919, the Irrigation Act, 1912, the Main Roads Act, 1924, the Government Railways Act, 1912, the Transport Act, 1930, the Police Regulation Act, 1899, and certain other Acts; and for purposes connected therewith. [Assented to, 27th April, 1955.]

**B**E 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.

**1.** This Act may be cited as the "Public Service and Other Statutory Bodies (Long Service Leave) Act, 1955."

Amendment  
of Act No.  
43, 1919.  
Sec. 13.

(Leave of  
absence  
after years  
of service.)

**2.** The Public Service (Amendment) Act, 1919, as amended by subsequent Acts, is amended—

(a) by omitting from section thirteen the words  
"Provided that nothing in this section shall  
affect

affect the provisions of section fifty-six of the Public Service Act, 1902” and by inserting in lieu thereof the following subsections:—

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(2) Where the services of an officer with at least ten years and less than fifteen years service terminate by reason of—

(a) retrenchment, or

(b) his retirement pursuant to section sixty-three or sixty-seven or subsection three of section sixty-six of the Public Service Act, 1902, as amended by subsequent Acts,

he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(3) Nothing in this section shall affect the provisions of section fifty-six of the Public Service Act, 1902, as amended by subsequent Acts.

(b) by omitting section fourteen and by inserting in lieu thereof the following section:—

Substituted  
sec. 14.

14. (1) Where an officer or member of the board has acquired a right under subsection one of section thirteen of this Act to extended leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such officer or member, or if there is no such widow or widower the children of such officer or member, or if there is no such widow, widower, or children such person who, in the opinion of the board, was, at the time of the death of such officer or member, a dependent relative of such officer or member, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such officer or member received at the time of his or her death.

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completed.

(2)

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(2) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the board, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection two of section thirteen of this Act, computed at the rate of salary such officer received at the time of his or her death.

(3) Where there is a guardian of any children entitled under subsection one or two of this section the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(4) Where there is no person entitled under subsection one or two of this section to receive the money value of any leave not taken or not completed by an officer or member as aforesaid or which would have accrued to an officer as aforesaid payment in respect thereof shall be made to the personal representatives of such officer or member, as the case may require.

(5) Any payment under this section shall be in addition to any payment due under the provisions of the Superannuation Act, 1916, as amended by subsequent Acts.

(6) Where payment of the money value of leave has been made under this section no action may be brought against the Crown for payment of any amount in respect of such leave.

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

(a) (i) by inserting in section 5c after the words “twenty years service” where secondly occurring the following new subsection:—

Amendment of Act No. 73, 1912. Sec. 5c.

(2) Where the services of an officer with at least ten years and less than fifteen years service terminate by reason of—

(Leave of absence after years of service.)

(a) retrenchment, or

(b) 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, or

(c) his retirement pursuant to subsection three of section 5A or to section 5B of this Act,

he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(ii) by inserting in the same section immediately before the words “Where an officer” the figure and symbols “(3)”;

(b) by omitting section 5D and by inserting in lieu thereof the following section:—

Substituted sec. 5D.

5D. (1) Where a commissioner or an officer has acquired a right under subsection one of section 5c of this Act to extended leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such commissioner or officer, or if there is no such widow or widower the children of

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of such commissioner or officer, or if there is no such widow, widower or children such person who, in the opinion of the Commission, was, at the time of the death of such commissioner or officer, a dependent relative of such commissioner or officer, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such commissioner or officer received at the time of his or her death.

(2) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commission, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection two of section 5c of this Act, computed at the rate of salary such officer received at the time of his or her death.

(3) Where there is a guardian of any children entitled under subsection one or two of this section the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(4) Where there is no person entitled under subsection one or two of this section to receive the money value of any leave not taken or not completed by a commissioner or officer as aforesaid or which would have accrued to an officer as aforesaid payment in respect thereof shall be made to the personal representatives of such commissioner or officer, as the case may require.

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(5) Any payment under this section shall be in addition to any payment due under the provisions of the Superannuation Act, 1916, as amended by subsequent Acts. No. 27, 1955.

(6) Where payment of the money value of leave has been made under this Act no action may be brought against the Crown or the Commission for payment of any amount in respect of such leave.

4. The Main Roads Act, 1924, as amended by subsequent Acts, is amended— Amendment of Act No. 24, 1924.

(a) by inserting next after subsection one of section 7A the following new subsection:— Sec. 7A.  
(Leave of absence after years of service.)

(1A) Where the services of an officer with at least ten years and less than fifteen years service terminate by reason of—

(a) retrenchment, or

(b) 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, or

(c) his retiring having attained the age of sixty-five years, or being retired after attaining the age of sixty years,

he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(b)

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(b) by omitting subsection (4A) of the same section and by inserting in lieu thereof the following subsection:—

(4A) (a) Where a Commissioner, an Assistant Commissioner or an officer has acquired a right under subsection one of this section to extended leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such Commissioner, Assistant Commissioner or officer, or if there is no such widow or widower the children of such Commissioner, Assistant Commissioner or officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner or person acting as such, was, at the time of the death of such Commissioner, Assistant Commissioner or officer, a dependent relative of such Commissioner, Assistant Commissioner or officer, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such Commissioner, Assistant Commissioner or officer received at the time of his or her death.

(b) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection (1A) of this section, computed at the rate of salary such officer received at the time of his or her death.

(c) Where there is a guardian of any children entitled under paragraph (a) or (b) of this subsection the payment to which such children

children are entitled may be made to such guardian for their maintenance, education and advancement. No. 27, 1955.

(d) Where there is no person entitled under paragraph (a) or (b) of this subsection to receive the money value of any leave not taken or not completed by a Commissioner, Assistant Commissioner or officer as aforesaid or which would have accrued to an officer as aforesaid payment in respect thereof shall be made to the personal representatives of such Commissioner, Assistant Commissioner or officer, as the case may require.

(e) Any payment under this subsection shall be in addition to any payment due under the provisions of the Superannuation Act, 1916, as amended by subsequent Acts.

(f) Where payment of the money value of leave has been made under this subsection no action may be brought against the Crown for payment of any amount in respect of such leave.

5. The Government Railways Act, 1912, as amended by subsequent Acts, is amended—

(a) by inserting next after subsection two of section 100A the following new subsection:—

(2A) Every officer who whether before or after the commencement of the Public Service and Other Statutory Bodies (Long Service Leave) Act, 1955, has had at least ten years and less than fifteen years service and whose services are terminated by reason of—

(a) retrenchment, or

(b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity

Amendment  
of Act No.  
30, 1912.

Sec. 100A.  
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after years  
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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, or

- (c) his retiring having attained the age of sixty-five years, or being retired after attaining the age of sixty years,

shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

- (b) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection:—

(5) (a) Where an officer has acquired a right under subsection two of this section to leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Railways, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such officer received at the time of his or her death.

(b) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Railways, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive

receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection (2A) of this section, computed at the rate of salary such officer received at the time of his or her death. No. 27, 1955.

(c) Where there is a guardian of any children entitled under paragraph (a) or (b) of this subsection the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(d) Where there is no person entitled under paragraph (a) or (b) of this subsection to receive the money value of any leave not taken or not completed by an officer as aforesaid or which would have accrued to such officer as aforesaid payment in respect thereof shall be made to the personal representatives of such officer.

(e) 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.** The Transport Act, 1930, as amended by subsequent Acts, is amended— Amendment of Act No. 18, 1930.

(a) by inserting next after subsection two of section one hundred and twenty-three the following new subsection:— Sec. 123. (Leave of absence after years of service.)

(2A) Every officer who whether before or after the commencement of the Public Service and Other Statutory Bodies (Long Service Leave) Act, 1955, has had at least ten years and less than fifteen years service and whose services are terminated by reason of—

(a) retrenchment, or

(b)

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- (b) 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, or
- (c) his retiring having attained the age of sixty-five years, or being retired after attaining the age of sixty years,

shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months for fifteen years service.

- (b) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection:—

(5) (a) Where an officer has acquired a right under subsection two of this section to leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or the widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Government Transport or the Commissioner for Motor Transport, as the case may require, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave not taken or not completed, computed at the rate of salary such officer received at the time of his or her death.

(b) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such

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such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Government Transport or the Commissioner for Motor Transport, as the case may require, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection (2A) of this section, computed at the rate of salary such officer received at the time of his or her death. No. 27, 1955.

(c) Where there is a guardian of any children entitled under paragraph (a) or (b) of this subsection the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(d) Where there is no person entitled under paragraph (a) or (b) of this subsection to receive the money value of any leave not taken or completed by an officer as aforesaid or which would have accrued to such officer as aforesaid payment in respect thereof shall be made to the personal representatives of such officer.

(e) 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.

**7.** The Police Regulation Act, 1899, as amended by subsequent Acts, is amended—

(a) by inserting at the end of section 12A the following new subsection:—

(2) Where the services of a member of the police force with at least ten years and less than fifteen years service terminate by reason of—

(a) retrenchment, or

(b)

Amendment  
of Act No.  
20, 1899.

Sec. 12A.

(Leave of  
absence  
after years  
of service.)

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(b) his retirement on account of—

(i) incapacity in accordance with section eight of the Police Regulation (Superannuation) Act, 1906, as amended by subsequent Acts;

(ii) disablement in respect of which a gratuity or annual superannuation allowance may be granted to him in accordance with section ten of the said Act, as so amended;

he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

Substituted  
sec. 12B.

(b) by omitting section 12B and by inserting in lieu thereof the following section:—

Payment of  
money value  
of leave  
not taken or  
completed.

12B. (1) Where a member of the police force has acquired a right under subsection one of section 12A of this Act to extended leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow of such member, or if there is no such widow the children of such member, or if there is no such widow or children such person who, in the opinion of the Commissioner, was, at the time of the death of such member, a dependent relative of such member, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such member received at the time of his death.

(2) Where a member of the police force with at least ten years and less than fifteen years service dies, the widow of such member, or if there is no such widow the children of such member, or if there is no such widow or children such

such person who, in the opinion of the Commis- No. 27, 1955.  
sioner, was, at the time of the death of such  
member, a dependent relative of such member,  
shall be entitled to receive the money value of  
the leave which would have accrued to such  
member had his services terminated as referred  
to in subsection two of section 12A of this Act,  
computed at the rate of salary such member  
received at the time of his death.

(3) Where there is a guardian of any  
children entitled under subsection one or two of  
this section the payment to which such children  
are entitled may be made to such guardian for  
their maintenance, education and advancement.

(4) Where there is no person entitled  
under subsection one or two of this section to  
receive the money value of any leave not taken  
or not completed by a member as aforesaid or  
which would have accrued to such member as  
aforesaid payment in respect thereof shall be  
made to the personal representatives of such  
member.

(5) Any payment under this section  
shall be in addition to any payment due under  
the provisions of the Police Regulation (Super-  
annuation) Act, 1906, as amended by subsequent  
Acts.

(6) Where payment of the money value  
of leave has been made under this section no  
action may be brought against the Crown for  
payment of any amount in respect of such leave.