

CROWN EMPLOYEES APPEAL BOARD (AMENDMENT) ACT.

Act No. 55, 1957.

**Elizabeth II,
No. 55, 1957.**

An Act to make further provision relating to the constitution of the Crown Employees Appeal Board; for this and other purposes to amend the Crown Employees Appeal Board Act, 1944, and the Police Regulation (Appeals) Act, 1923, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 9th December, 1957.]

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
and
citation.

1. (1) This Act may be cited as the "Crown Employees Appeal Board (Amendment) Act, 1957."

(2)

Crown Employees Appeal Board (Amendment) Act.

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(2) The Crown Employees Appeal Board Act, ^{No. 55, 1957.} 1944, as amended by subsequent Acts and by the Governor pursuant to section two of the said Act and by this Act, may be cited as the Crown Employees Appeal Board Act, 1944-1957.

2. The Crown Employees Appeal Board Act, 1944, ^{Amendment} as amended by subsequent Acts, is amended— ^{of Act}
^{No. 15,}
^{1944.}

(a) (i) by inserting in subsection two of section ^{Sec. 3.} three after the word “chairman” the ^{(The} words “and, where there is an additional ^{Board.)} temporary chairman as hereinafter provided, such additional temporary chairman”;

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

(2A) Where, in the opinion of the Governor, the Board is unable to cope promptly and expeditiously with the matters in the Board’s list, an additional temporary chairman may be appointed from time to time as hereinafter provided.

(2B) More than one sitting of the Board may, where there is an additional temporary chairman, be held at the same time.

(iii) by inserting in paragraph (a) of subsection three of the same section after the word “chairman” the words “or, where there is an additional temporary chairman, such additional temporary chairman”;

(iv) by omitting from subsection four of the same section the words “alternate member” wherever occurring and by inserting in lieu thereof the words “the alternate member or an additional alternate member”;

(v)

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(v) (a) by inserting in subsection five of the same section after the word "chairman" the words "and, where there is an additional temporary chairman, such additional temporary chairman";

(b) by inserting in the same subsection after the word "shall" where secondly occurring the words "except as hereinafter provided";

(c) by inserting at the end of the same subsection the following new paragraph:—

The decision of the chairman upon any question which may arise at any sittings of the Board at which he is present as to the jurisdiction of the Board or as to the admissibility of evidence or as to procedure shall be the decision of the Board, and where there is an additional temporary chairman the decision of such additional temporary chairman upon any question which may arise at any sittings of the Board at which he is present as to the jurisdiction of the Board or as to the admissibility of evidence or as to procedure shall be the decision of the Board.

(vi) (a) by inserting in subsection six of the same section after the word "chairman" the words "and, where there is an additional temporary chairman, such additional temporary chairman";

(b) by inserting in the same subsection after the word "alternate" wherever occurring the words "or additional alternate";

(b)

- (b) (i) by inserting next after subsection one of section four the following new subsection:—

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Sec. 4.

(Chairman.)

(1A) The Governor may, from time to time, appoint an additional temporary chairman. An additional temporary chairman shall be—

(a) a Judge of the Supreme Court who shall be so appointed on the nomination of the Chief Justice; or

(b) a member of the Industrial Commission of New South Wales who shall be so appointed on the nomination of the President of that Commission.

- (ii) by inserting in paragraphs (a) and (b) of subsection two of the same section after the word "chairman" wherever occurring the words "or additional temporary chairman";

- (c) (i) by inserting in subsection two of section five after the word "member" where secondly occurring the words "and such number of additional alternate members as the chairman may from time to time require";

Sec. 5.
(Employers' representatives and officers' representatives.)

- (ii) by inserting in the same subsection after the word "member" where fourthly occurring the words "or during any period within which there is an additional temporary chairman";

- (iii) by inserting at the end of the same subsection the following new paragraphs:—

During the absence from any cause of a member so nominated and of the alternate member or during any vacancy in the office
of

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of a member so nominated and of the alternate member an additional alternate member may, where there is one sitting of the Board being held at any one time, act as a member of the Board, and while so acting shall have all the powers and authorities of a member.

During the absence from any cause of a member so nominated and of the alternate member or either of them or during any vacancy in the office of a member so nominated and of the alternate member or either of them, two additional alternate members or an additional alternate member may, where there is more than one sitting of the Board being held at any one time, act as members or a member of the Board, as the case may require, and any additional alternate member while so acting shall have all the powers and authorities of a member.

(iv) by omitting from subsection four of the same section the words "or alternate member" and by inserting in lieu thereof the words "alternate member or additional alternate member";

(d) (i) by inserting next after subsection (2B) of section six the following new subsection:—

Sec. 6.
(Nominations of employers' representatives and officers' representatives.)

(2BA) (a) Where, after the commencement of the Crown Employees Appeal Board (Amendment) Act, 1957, the chairman requires any additional alternate members to be nominated by any employer or association of employees, the nominations of such additional alternate members shall be lodged within such time as the chairman prescribes.

(b)

(b) The persons so nominated ^{No. 55, 1957.} shall assume office on the dates upon which their respective nominations take effect and shall, subject to this Act, hold office for such period as the chairman determines:

Provided that, if they assume office before the thirty-first day of December, one thousand nine hundred and fifty-nine, they shall cease to hold office on the said day, and if they assume office during any period of three years succeeding the said day, they shall cease to hold office on the thirty-first day of December of the third year of such succeeding period, but they shall be eligible for nomination and to hold office as additional alternate members upon any subsequent occasion on which the chairman may require additional alternate members.

(ii) by omitting from subsections four and five of the same section the words "or alternate member" wherever occurring and by inserting in lieu thereof the words "alternate member or additional alternate member";

(e) (i) by omitting from section seven the words "chairman) or an alternate member" ^{Sec. 7.} wherever occurring and by inserting in lieu thereof the words "chairman or additional temporary chairman), an alternate member or an additional alternate member"; ^(Casual vacancies.)

(ii) by omitting from paragraph (f) of subsection one of the same section the words "or alternate member" and by inserting in lieu thereof the words "alternate member or additional alternate member";

(f)

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 Sec. 10.
 (Appeals
 to Board.)

(f) (i) by inserting next after paragraph (a) of subsection one of section ten the following new paragraph:—

(a1) for the increase in salary of an officer, such increase being an increase:—

(i) whereby such officer attains seniority over other officers who before such increase had seniority equal to or greater than the officer whose salary is so increased;

(ii) which is applicable to such officer only and is not applicable to such other officers; and

(iii) otherwise than by virtue of a promotion referred to in paragraph (a) of this subsection;

(ii) by omitting from the same subsection the words “one thousand seven hundred and fifty pounds” and by inserting in lieu thereof the words “two thousand five hundred pounds”;

Sec. 11.
 (Notice of
 appeal.)

(g) by inserting at the end of subsection three of section eleven the words “, or, where the chairman or additional temporary chairman upon any particular appeal directs a lesser number of days’ notice of the date and place so fixed be given to the appellant and the employer, not less than such lesser number of days’ notice of the date and place so fixed”;

(h)

Crown Lands (Irrigation Area Resumption) Amendment Act.

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- (h) by inserting in subsection one of section twelve after the word "chairman" where firstly occurring the words "and additional temporary chairman".

No. 55, 1957.
Sec. 12.
(Hearing of appeals.)

3. (1) The Police Regulation (Appeals) Act, 1923-1947, is amended—

Amendment
of Act
No. 33,
1923.

- (a) by inserting in section two at the end of the definition of "Board" the words ", as amended by subsequent Acts";

Sec. 2.
(Interpretation.)

- (b) by inserting in section six after the figures "1944" where firstly and lastly occurring the words "as amended by subsequent Acts,".

Sec. 6.
(Appeal to Board and procedure thereon.)

(2) The Police Regulation (Appeals) Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Police Regulation (Appeals) Act, 1923-1957.

