

ELECTRICITY COMMISSION (AMENDMENT) ACT.

Act No. 58, 1961.

An Act to make further provisions with respect to appeals to, and the chairman of, the Appeal Board constituted under the Electricity Commission Act, 1950, as amended by subsequent Acts; to empower the Electricity Commission of New South Wales to pay the money value of long service leave due to any deceased servant to his dependants; to validate certain matters; for these and other purposes to amend the Electricity Commission Act, 1950, as amended by subsequent Acts, and the Electricity Commission (Transfer of Reticulation Works) Act, 1957; and for purposes connected therewith. [Assented to, 11th December, 1961].

**Elizabeth II,
No. 58, 1961**

BE

Electricity Commission (Amendment) Act.

No. 58, 1961

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 "Electricity Commission (Amendment) Act, 1961".

(2) The Electricity Commission Act, 1950, as amended by subsequent Acts and by this Act, may be cited as the Electricity Commission Act, 1950-1961.

(3) The Electricity Commission (Transfer of Reticulation Works) Act, 1957, as amended by this Act, may be cited as the Electricity Commission (Transfer of Reticulation Works) Act, 1957-1961.

Amendment
of Act No.
22, 1950.

2. The Electricity Commission Act, 1950-1957, is amended—

Sec. 2.
(Division
into Parts.)

(a) by inserting in section two at the end of the matter relating to "PART VI.—SERVANTS OF THE COMMISSION." the words and figure "DIVISION 5.—*Miscellaneous provisions.*";

Sec. 67.
(Right to
promotion.)

(b) by omitting from subsection one of section sixty-seven the words "one thousand pounds" and by inserting in lieu thereof the words "two thousand nine hundred pounds";

Sec. 68.
(Qualifica-
tion for
appeal.)

(c) by omitting from paragraph (b) of section sixty-eight the words "one thousand pounds" and by inserting in lieu thereof the words "two thousand nine hundred pounds";

Sec. 69.
(Appeal
Board.)

(d) (i) by omitting paragraph (a) of subsection one of section sixty-nine and by inserting in lieu thereof the following paragraph :—

(a) a chairman, who shall have the qualifications of a stipendiary magistrate, or of a barrister, or solicitor, of five years' standing, and who shall be appointed by
the

the Governor and shall hold such No. 58, 1961
appointment for such term not exceeding
five years as may be specified in the
instrument of appointment;

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

(1A) (a) A person who is of or above the age of sixty-five years shall not be eligible for appointment as chairman of the Appeal Board.

(b) A member of the Appeal Board appointed under paragraph (a) of subsection one of this section shall be deemed to have vacated his office upon the day on which he attains the age of sixty-five years.

(e) by inserting next after section seventy-three the following new Division :— New
Division 5.

DIVISION 5.—Miscellaneous provisions.

73A. (1) Where a servant of the Commission has acquired a right to leave with pay in respect of long service or extended leave and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such servant, or if there is no such widow or widower the children of such servant, 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 servant, a dependent relative of such servant, shall be entitled to receive the money value of the leave not taken or not completed, computed at the rate of salary or wages such servant received at the time of his or her death less any amount paid to such servant in respect of the leave not taken, or not completed. Payments in
respect of
long service
leave on
death of
servant.

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

No. 58, 1961

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

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

Amendment
of Act No.
43, 1957.
Sec. 11.
(Trans-
ferred
servants.)

3. (1) The Electricity Commission (Transfer of Reticulation Works) Act, 1957, is amended by omitting from subparagraph (ii) of paragraph (b) of subsection four of section eleven the words "For the purposes of this subparagraph service with the Commission shall be deemed to be service with the County Council of which he became such a servant." and by inserting in lieu thereof the following new subparagraph and new paragraph :—

(iii) where any servant was immediately before he became such a servant a contributor to the Government Railways Superannuation Account established under Part IX of the Government Railways Act, 1912, as amended by subsequent Acts, he shall continue to contribute to that Account and shall be paid from such Account any pension, gratuity, allowance or other benefit which he would have received from that Account had he continued in the service of the Commission and been paid salary or wages at the rate paid to him by the County Council of which he became such a servant ; and any pension, gratuity, allowance or other benefit payable to any such contributor or other person in respect of such a contributor's service, shall become due and payable in the same manner as though the contributor had continued in the service of the Commission ; and the Sydney County Council or the Prospect County Council, as the case may require, shall cause proper deductions to be made from the salary or wages of any such contributor as aforesaid and pay all such amounts

amounts to the credit of the Government Railways Superannuation Account; and the Sydney County Council and the Prospect County Council shall contribute their due proportions of any amounts necessary to supplement the revenue of the Government Railways Superannuation Account to enable the claims thereon to be met in any year; and such amount, if not agreed upon by the Sydney County Council or the Prospect County Council, as the case may be, and the Commissioner for Railways, shall be determined by the Governor.

(c) For the purposes of subparagraphs (ii) and (iii) of paragraph (b) of this subsection service with the Commission of any servant to whom this section applies shall be deemed to be service with the County Council of which he became such a servant.

(2) The amendments made by subsection one of this section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and fifty-eight.

4. The person who immediately before the commencement of this Act held office as chairman of the Appeal Board constituted under Division 3 of Part VI of the Electricity Commission Act, 1950, as amended by subsequent Acts, shall notwithstanding any other provision of this Act continue to hold office as such chairman after such commencement but shall be deemed to have vacated his office as such chairman upon the day upon which he attains the age of sixty-five years.