

**TRANSFERRED OFFICERS EXTENDED LEAVE  
(AMENDMENT) ACT.**

**New South Wales**



ANNO VICESIMO SECUNDO

**ELIZABETHÆ II REGINÆ**

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**Act No. 33, 1973.**

An Act to make further provision with respect to the entitlement to extended leave of certain persons employed in the Public Service or the Teaching Service or by certain State employers; for this and other purposes to amend the Transferred Officers Extended Leave Act, 1961; and for purposes connected therewith. [Assented to, 2nd May, 1973.]

BE

*Transferred Officers Extended Leave (Amendment).*

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**No. 33, 1973** **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. **1.** This Act may be cited as the "Transferred Officers Extended Leave (Amendment) Act, 1973".

Reference to Principal Act. **2.** The Transferred Officers Extended Leave Act, 1961, is, in this Act, referred to as the Principal Act.

Amendment of Act No. 13, 1961. **3.** The Principal Act is amended—

Sec. 2. (Interpretation.) **(a)** by inserting next after the definition of "Public service of the State" in section 2 (1) the following new definition :—

"Regulations" means regulations under this Act.

Sec. 3. (Method of reckoning service of certain employees in the public service of the State and of certain State authorities.) **(b)** (i) by inserting in section 3 (1) after the matter "(4)" the matter ", (4A)";

**(ii)** by inserting next after section 3 (4) the following new subsection :—

**(4A)** Where a person referred to in subsection (1)—

**(a)** is, under any Act, other than this Act, or under any regulation, by-law, award or industrial agreement, or by virtue of the conditions of his employment with his current employer, or by reason of any practice of his current

employer,

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employer, entitled, but is not entitled No. 33, 1973  
by virtue of the provisions of subsection  
(4), to have any previous service with  
the employer who is his current  
employer reckoned, for the purpose of  
calculating his entitlement to extended  
leave, as service with his current  
employer;

(b) has had, before he commenced that  
previous service, any continuous  
governmental service that was con-  
tinuous with that previous service;

(c) was under the age of sixty years when  
he commenced that previous service,

then the period of continuous governmental  
service, referred to in paragraph (b), shall be  
a prescribed period for the purpose of  
subsection (1).

(c) by omitting from section 4 (2) the words "in any area prescribed as an operational area" and by inserting instead the words "of a kind or nature prescribed to be special service";

Sec. 4.  
(Qualifica-  
tions on  
what amount  
to con-  
tinuous  
periods of  
service and  
on the  
meaning of  
"continuous  
service",  
etc.)

(d) by omitting section 6 and by inserting instead the following section :—

6. (1) The Governor may make regulations or with respect to—

(a) prescribing the kind or nature of service with the armed forces of the Commonwealth to be special service for the purposes of subsection (2) of section 4; and

(b)

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(b) generally for carrying out and giving effect to this Act.

(2) The regulations may be made so as—

(a) to apply differently according to such factors as may be specified in the regulations; and

(b) to apply to service with the armed forces of the Commonwealth before the commencement of the Transferred Officers Extended Leave (Amendment) Act, 1973, as well as to service after that commencement.

(3) Without affecting the generality of the foregoing provisions of this section, special service may be prescribed by reference to any service defined for the purposes of, or referred to in, any Commonwealth or other Act.

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

Operation of  
amendment  
made by  
sec 3 (b).

4. Section 3 (4A) of the Principal Act, as inserted by this Act, does not apply to or in respect of a person who, though employed before the commencement of this Act in the service of a State employer, is employed neither at, nor at any time after, that commencement in the service of that State employer.

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