

**MISCELLANEOUS ACTS (RETIREMENT OF
STATUTORY OFFICERS) AMENDMENT ACT,
1980, No. 187**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 187, 1980.

An Act to amend certain Acts so as to enable certain officers appointed under those Acts to be retired after they have attained the age of 60 years; and for other purposes. [Assented to, 17th December, 1980.]

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

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 :—

1. This Act may be cited as the “Miscellaneous Acts (Retirement of Statutory Officers) Amendment Act, 1980”. Short title.

2. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS.

SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.

3. Each Act specified in Schedule 1 is amended in the manner set forth in Schedule 1. Amendments.

4. Schedule 2 has effect. Savings and transitional provisions.

SCHEDULE 1.

Sec. 3.

AMENDMENTS.

Western Lands Act, 1901—

Amendment of Act No. 70, 1901.

(1) Section 4 (5), (5A), (5B), (5C)—

Omit section 4 (5), insert instead :—

(5) The Commissioner or an Assistant Commissioner shall, subject to this Act, hold office for such term, not exceeding 10 years, as is specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for reappointment from time to time.

*Miscellaneous Acts (Retirement of Statutory Officers) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

(5A) A person who is of or above the age of 65 years is not eligible to be appointed as the Commissioner or an Assistant Commissioner.

(5B) The Commissioner or an Assistant Commissioner shall be deemed to have vacated his office upon his attaining the age of 65 years.

(5C) The Commissioner or an Assistant Commissioner may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

(2) Section 4 (6)—

Omit "A Commissioner" where firstly occurring, insert instead "The Commissioner".

Amendment of Act No. 9, 1909. Fire Brigades Act, 1909—

(1) (a) Section 8 (1), (1A)—

Omit "shall hold office for five years from the date of appointment" wherever occurring, insert instead "shall, subject to this Act, hold office for such term, not exceeding 5 years, as is specified in the instrument of his appointment".

(b) Section 8 (3) (c)—

After section 8 (3) (b), insert :—

(c) The president of the board may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

(2) (a) Section 11 (1) (f)—

Omit "or" where lastly occurring.

(b) Section 11 (1) (g)—

Omit "Governor.", insert instead "Governor; or".

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(c) Section 11 (1) (h)—

After section 11 (1) (g), insert:—

(h) being the president, is retired from office by the Governor.

Public Trustee Act, 1913—

**Amendment
of Act No.
19, 1913.**

Section 5 (3A)—

After section 5 (3), insert:—

(3A) The officer for the time being holding the office of public trustee may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years.

Superannuation Act, 1916—

**Amendment
of Act No.
28, 1916.**

(1) Section 71 (a)—

Omit “a term of 7 years”, insert instead “such term, not exceeding 7 years, as is specified in the instrument of his appointment”.

(2) Section 75 (3)—

After section 75 (2), insert:—

(3) The President or Vice-President may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Forestry Act, 1916—

**Amendment
of Act No.
55, 1916.**

(1) Section 5 (8) (a) (vi)—

Omit “or”.

(2) Section 5 (8) (a) (vii)—

Omit “Parliament.”, insert instead “Parliament; or”.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(3) Section 5 (8) (a) (viii)—

After section 5 (8) (a) (vii), insert:—

(viii) is retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years.

(4) Section 5 (8) (c)—

After section 5 (8) (b), insert:—

(c) If the Commissioner or an Assistant Commissioner is retired from office by the Governor, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Amendment Prickly-pear Act, 1924—
of Act No.
31, 1924.

(1) Section 4 (2), (2A)—

Omit section 4 (2), insert instead:—

(2) The Commissioner shall, subject to this Act, hold office for such term, not exceeding 5 years, as may be specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for re-appointment from time to time.

(2A) The provisions of the Public Service Act, 1979, do not apply to the appointment of the Commissioner and the Commissioner is not, in his capacity as the Commissioner, subject to the provisions of that Act during his term of office.

(2) Section 4 (6A)—

After section 4 (6), insert:—

(6A) The Commissioner may be retired from office by the Governor after he attains the age of 60 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Metropolitan Water, Sewerage, and Drainage Act, 1924—

Amendment
of Act No.
50, 1924.

(1) (a) Section 14 (j)—

Omit “from those meetings.”, insert instead “from those meetings; or”.

(b) Section 14 (k)—

After section 14 (j), insert:—

(k) if, being the president or vice-president, he is retired from office by the Governor.

(c) Section 14 (2)—

At the end of section 14, insert:—

(2) The president or vice-president of the board may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

(2) Section 19 (1)—

Omit “paragraph (f)”, insert instead “subsection (1) (f)”.

Government Insurance Act, 1927—

Amendment
of Act No.
18, 1927.

(1) Schedule 2, clause 9 (1) (i)—

Omit “or”.

(2) Schedule 2, clause 9 (1) (j)—

Omit “Minister.”, insert instead “Minister; or”.

(3) Schedule 2, clause 9 (1) (k)—

After clause 9 (1) (j), insert:—

(k) if, being a full-time member, he is retired from office by the Governor under subclause (3) of this clause.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(4) Schedule 2, clause 9 (3)—

After clause 9 (2), insert:—

(3) A full-time member may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Amendment of Act No. 35, 1927. Local Government and Other Authorities (Superannuation) Act, 1927—

(1) Section 16 (6) (d)—

Omit “or”.

(2) Section 16 (6) (e)—

Omit “Governor.”, insert instead “Governor; or”.

(3) Section 16 (6) (f)—

After section 16 (6) (e), insert:—

(f) being the president, is retired from office by the Governor.

(4) Section 16 (6)—

Omit “A member” where secondly occurring, insert instead “(6A) A member”.

(5) Section 16 (6B)—

Before section 16 (7), insert:—

(6B) The president may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

State Lotteries Act, 1930—

Amendment
of Act No.
51, 1930.

Section 7 (4A)—

After section 7 (4), insert:—

(4A) The Director may be retired from office by the Governor after he attains the age of 60 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Transport (Division of Functions) Act, 1932—

Amendment
of Act No.
31, 1932.

(1) Section 7 (1)—

After “Railways” where secondly occurring, insert “and the Commissioner for Main Roads”.

(2) Section 11A—

After section 11, insert:—

11A. A Commissioner, a Deputy Commissioner or an Assistant Commissioner may be retired from office by the Governor after he attains the age of 60 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Rural Assistance Act, 1932—

Amendment
of Act No.
33, 1932.

(1) Section 7c (1) (i) (ii)—

Omit “or”.

(2) Section 7c (1) (j)—

Omit “Governor.”, insert instead “Governor; or”.

(3) Section 7c (1) (k)—

After section 7c (1) (j), insert:—

(k) if, being the Director, the Deputy Director or an Assistant Director, he is retired from office by the Governor.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(4) Section 7C (2A)—

After section 7C (2), insert:—

(2A) The Director, the Deputy Director or an Assistant Director may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Amendment
of Act No.
63, 1932.

Rural Bank of New South Wales Act, 1932—

Section 4 (5) (c)—

After section 4 (5) (b), insert:—

(c) A commissioner, other than a nominated commissioner, may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years.

Amendment
of Act No.
47, 1935.

Maritime Services Act, 1935—

(1) Section 3 (3) (a) (i)—

Omit “a term of seven years”, insert instead “such term, not exceeding 7 years, as is specified in his commission”.

(2) Section 3 (9A)—

After section 3 (9), insert:—

Retire-
ment after
60 years
of age.

(9A) A commissioner, not being a nominated commissioner or the elected commissioner, may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Amendment
of Act No.
10, 1938.

Soil Conservation Act, 1938—

(1) Section 4 (7) (a) (vii)—

Omit “Parliament.”, insert instead “Parliament; or”.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Section 4 (7) (a) (viii)—

After section 4 (7) (a) (vii), insert:—

(viii) is retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years.

(3) Section 4 (7) (c)—

After section 4 (7) (b), insert:—

(c) If the Commissioner is retired from office by the Governor, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Hunter District Water, Sewerage and Drainage Act, 1938—

Amendment
of Act No.
11, 1938.

(1) (a) Section 14 (j)—

Omit “from those meetings.”, insert instead “from those meetings; or”.

(b) Section 14 (k)—

After section 14 (j), insert:—

(k) if, being the president, he is retired from office by the Governor.

(c) Section 14 (2)—

At the end of section 14, insert:—

(2) The president of the board may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

(2) Section 19 (1)—

Omit “paragraph (f)”, insert instead “subsection (1) (f)”.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Amendment of Act No. 20, 1938. Broken Hill Water and Sewerage Act, 1938—

(1) (a) Section 6 (h)—

Omit “or”.

(b) Section 6 (i)—

Omit “sixty-five years.”, insert instead “65 years; or”.

(c) Section 6 (j)—

After section 6 (i), insert:—

(j) being the president, is retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years.

(d) Section 6 (2)—

At the end of section 6, insert:—

(2) If the president of the board is retired from office by the Governor, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

(2) Section 8 (6) (d)—

Omit “paragraph (b)”, insert instead “subsection (1) (b)”.

Amendment of Act No. 28, 1941. Auctioneers and Agents Act, 1941—

(1) Section 8 (8)—

Omit the subsection, insert instead:—

(8) The chairman and the official member shall, subject to this Act, each hold office for such term, not exceeding 3 years, as is specified in the instrument of his appointment, and shall be eligible for re-appointment from time to time.

(2) Section 8A (3)—

Omit “Section 9 (e)”, insert instead “Section 9 (1) (e)”.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(3) (a) Section 9 (j)—

Omit “years.”, insert instead “years; or”.

(b) Section 9 (k)—

After section 9 (j), insert:—

(k) being the chairman, he is retired from office by the Governor.

(c) Section 9 (2)—

At the end of section 9, insert:—

(2) The chairman may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 70 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Housing Act, 1941—

Amendment
of Act No.
65, 1941.

(1) Section 5 (2) (a)—

Omit the paragraph, insert instead :—

(a) A commissioner shall, subject to this Act, hold office for such term, not exceeding 5 years, as is specified in his commission and shall, if otherwise qualified, be eligible for re-appointment from time to time.

(2) Section 5 (6) (a) (vii)—

Omit “Governor.”, insert instead “Governor; or”.

(3) Section 5 (6) (a) (viii)—

After section 5 (6) (a) (vii), insert :—

(viii) if, being the chairman, he is retired from office by the Governor.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—continued.

AMENDMENTS—continued.

(4) Section 5 (6A)—

After section 5 (6), insert :—

(6A) The chairman may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Amendment of Act No. 26, 1948. Prices Regulation Act, 1948—

(1) Section 4D—

Omit “a period of 3 years”, insert instead “such term, not exceeding 3 years, as is specified in the instrument of his appointment”.

(2) Section 4F (2)—

At the end of section 4F, insert :—

(2) The Chairman may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 70 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

(3) (a) Section 4H (g)—

Omit “or”.

(b) Section 4H (h)—

Omit “Governor.”, insert instead “Governor; or”.

(c) Section 4H (i)—

After section 4H (h), insert :—

(i) if, being the Chairman, he is retired from office by the Governor.

Amendment of Act No. 22, 1950. Electricity Commission Act, 1950—

(1) Section 5 (6) (i)—

Omit “Governor.”, insert instead “Governor; or”.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Section 5 (6) (j)—

After section 5 (6) (i), insert :—

- (j) if, being the Chairman or Vice-Chairman, he is retired from office by the Governor.

(3) Section 5 (6)—

Omit “A commissioner” where secondly occurring, insert instead “(6A) A commissioner”.

(4) Section 5 (6B)—

Before section 5 (7), insert :—

(6B) The Chairman or Vice-Chairman may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Prisons Act, 1952—

Amendment
of Act No.
9, 1952.

(1) Schedule 3, clause 9 (1) (g)—

Omit “or”.

(2) Schedule 3, clause 9 (1) (h)—

Omit “years.”, insert instead “years; or”.

(3) Schedule 3, clause 9 (1) (i)—

After clause 9 (1) (h), insert :—

- (i) if, being a full-time Commissioner, he is retired from office by the Governor under subclause (3) of this clause.

(4) Schedule 3, clause 9 (3)—

After clause 9 (2), insert :—

(3) A full-time Commissioner may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

(5) Schedule 3, clause 17 (2)—

Omit “paragraph (h)”, insert instead “paragraph (f)”.

Amendment of Act No. 36, 1954. Grain Elevators Act, 1954—

(1) Section 7 (9) (i)—

Omit “Governor.”, insert instead “Governor; or”.

(2) Section 7 (9) (j)—

After section 7 (9) (i), insert:—

(j) if, being the Chairman, he is retired from office by the Governor.

(3) Section 7 (9)—

Omit “A member” where secondly occurring, insert instead “(9A) A member”.

(4) Section 7 (9B)—

Before section 7 (10), insert:—

(9B) The Chairman may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Amendment of Act No. 48, 1954. State Transport (Co-ordination) Amendment Act, 1954—

(1) Section 5 (1) (a)—

Omit “shall subject to this Act hold office for a period of seven years” where secondly occurring, insert instead “shall, subject to this Act, hold office for such term, not exceeding 7 years, as is specified in the instrument of his appointment”.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Section 7—

After section 6, insert:—

7. The Commissioner for Motor Transport may be retired from office by the Governor after he attains the age of 60 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines. Retire-
ment of
Commis-
sioner for
Motor
Transport.

Law Reform Commission Act, 1967—

Amendment
of Act No.
39, 1967.

(1) Section 9 (2) (d)—

Omit “or” where lastly occurring.

(2) Section 9 (2) (e)—

Omit “Governor.”, insert instead “Governor; or”.

(3) Section 9 (2) (f)—

After section 9 (2) (e), insert:—

(f) being required by the Governor (by the terms of his appointment or otherwise) to devote the whole of his time to the duties of his office, he is retired from office by the Governor after he attains the age of 60 years.

(4) Section 9 (3)—

After section 9 (2), insert:—

(3) If a commissioner (not being the holder of a judicial office) or the executive member is retired from office by the Governor, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

Amendment
of Act No.
11, 1968.

Sydney Farm Produce Market Authority Act, 1968—

(1) Section 4 (6) (j)—

Omit “appointed.”, insert instead “appointed; or”.

(2) Section 4 (6) (k)—

After section 4 (6) (j), insert:—

(k) if, being the Chairman, he is retired from office by the Governor.

(3) Section 4 (6c)—

After section 4 (6B), insert:—

(6c) The Chairman may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Amendment
of Act No.
56, 1968.

Sydney Cove Redevelopment Authority Act, 1968—

(1) Section 4 (16) (j)—

Omit “or” where lastly occurring.

(2) Section 4 (16) (k)—

Omit “sixty-five years.”, insert instead “65 years; or”.

(3) Section 4 (16) (l)—

After section 4 (16) (k), insert:—

(l) if, being the Director, he is retired from office by the Governor.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(4) Section 4 (16A)—

After section 4 (16), insert:—

(16A) The Director may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Apprentices Act, 1969—

Amendment
of Act No.
37, 1969.

Section 11 (2A)—

After section 11 (2), insert :—

(2A) The Apprenticeship Commissioner may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years.

State Pollution Control Commission Act, 1970—

Amendment
of Act No.
95, 1970.

(1) Section 7 (1) (i)—

Omit “or”.

(2) Section 7 (1) (j) (ii)—

Omit “years.”, insert instead “years; or”.

(3) Section 7 (1) (k)—

After section 7 (1) (j), insert :—

(k) if, being the Director, he is retired from office by the Governor.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(4) Section 7 (3)—

After section 7 (2), insert :—

(3) The Director may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Amendment of Act No. 97, 1970. Waste Disposal Act, 1970—

(1) Section 8 (1) (i)—

Omit “or”.

(2) Section 8 (1) (j) (ii)—

Omit “years.”, insert instead “years; or”.

(3) Section 8 (1) (k)—

After section 8 (1) (j), insert :—

(k) if, being the Director or Deputy Director, he is retired from office by the Governor.

(4) Section 8 (3)—

After section 8 (2), insert :—

(3) The Director or Deputy Director may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Builders Licensing Act, 1971—

Amendment
of Act No.
16, 1971.

(1) Section 5 (1) (i)—

Omit “or”.

(2) Section 5 (1) (j) (ii)—

Omit “years.”, insert instead “years; or”.

(3) Section 5 (1) (k)—

After section 5 (1) (j), insert:—

(k) if, being the Chairman or Deputy Chairman, he is retired from office by the Governor.

(4) Section 5 (3)—

After section 5 (2), insert :—

(3) The Chairman or Deputy Chairman may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Health Commission Act, 1972—

Amendment
of Act No.
63, 1972.

(1) Section 10 (1) (j)—

Omit “or”.

(2) Section 10 (1) (k)—

Omit “sixty-five years.”, insert instead “65 years; or”.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—continued.

AMENDMENTS—continued.

(3) Section 10 (1) (1)—

After section 10 (1) (k), insert:—

- (1) if he is retired from office by the Governor.

(4) Section 10 (2A)—

After section 10 (2), insert:—

(2A) A member may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Amendment of Act No. 70, 1972. New South Wales Retirement Benefits Act, 1972—

(1) Section 41 (1) (e)—

Omit “or”.

(2) Section 41 (1) (f)—

Omit “sixty-five years.”, insert instead “65 years; or”.

(3) Section 41 (1) (g)—

After section 41 (1) (f), insert:—

- (g) is retired from office by the Governor under subsection (3).

(4) Section 41 (3)—

After section 41 (2), insert:—

(3) If the Chairman or executive member of the Board is, pursuant to section 35 (4), required by the terms of his appointment to devote the whole of his time to the duties of his office, he may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Consumer Claims Tribunals Act, 1974—

Amendment
of Act No.
16, 1974.

(1) Section 7 (1) (h)—

Omit “or”.

(2) Section 7 (1) (i)—

Omit “seventy-two years.”, insert instead “72 years; or”.

(3) Section 7 (1) (j)—

After section 7 (1) (i), insert:—

(j) if he is not a part-time referee and he is retired from office by the Governor.

(4) Section 7 (3)—

After section 7 (2), insert:—

(3) A referee or person appointed under section 6 (5), other than a part-time referee, may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 72 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

National Parks and Wildlife Act, 1974—

Amendment
of Act No.
80, 1974.

(1) Schedule 4, clause 7 (2)—

At the end of clause 7, insert:—

(2) The Director may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Schedule 4, clause 9 (c)—

Omit “or” where lastly occurring.

(3) Schedule 4, clause 9 (d)—

Omit “Governor.”, insert instead “Governor; or”.

(4) Schedule 4, clause 9 (e)—

After clause 9 (d), insert:—

(c) is retired from office by the Governor.

Amendment of Act No. 27, 1975. Teacher Housing Authority Act, 1975—

(1) Section 10 (1)—

Omit “a term of five years”, insert instead “such term, not exceeding 5 years, as is specified in the instrument of his appointment”.

(2) (a) Section 11 (1) (l)—

Omit “or”.

(b) Section 11 (1) (m)—

Omit “sixty-five years.”, insert instead “65 years; or”.

(c) Section 11 (1) (n)—

After section 11 (1) (m), insert:—

(n) if, being the executive member, he is retired from office by the Governor.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(d) Section 11 (2A)—

After section 11 (2), insert:—

(2A) The executive member may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Higher Education Act, 1975—

Amendment
of Act No.
47, 1975.

(1) Section 7 (1) (a) (i)—

Omit “or”.

(2) Section 7 (1) (a) (ii)—

After “member;”, insert “or”.

(3) Section 7 (1) (a) (iii)—

After section 7 (1) (a) (ii), insert:—

(iii) he is retired from office by the Governor under subsection (1A);

(4) Section 7 (1A)—

After section 7 (1), insert:—

(1A) A full-time member of the Board may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Securities Industry Act, 1975—

Amendment
of Act No.
3, 1976.

(1) Section 134 (5) (i)—

Omit “years.”, insert instead “years; or”.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Section 134 (5) (j)—

After section 134 (5) (i), insert:—

(j) if he is retired from office by the Governor.

(3) Section 134 (6A)—

After section 134 (6), insert:—

(6A) A Commissioner may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Amendment of Act No. 4, 1976. Statutory and Other Offices Remuneration Act, 1975—

(1) (a) Section 6 (1)—

Omit “For the purposes of this Act, there”, insert instead “There”.

(b) Section 6 (1A)—

After section 6 (1), insert:—

(1A) The Tribunal shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed on the Tribunal by or under this or any other Act.

(2) (a) Schedule 2, Part 1—

After “Commissioner for Main Roads”, insert:—

Deputy Commissioner for Main Roads.

(b) Schedule 2, Part 2—

Omit “Deputy Commissioner for Main Roads.”.

Amendment of Act No. 34, 1976. Water Resources Commission Act, 1976—

(1) Schedule 1, clause 3 (1) (g)—

Omit “or”.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Schedule 1, clause 3 (1) (h)—

Omit “subclause (4).”, insert instead “subclause (4); or”.

(3) Schedule 1, clause 3 (1) (i)—

After clause 3 (1) (h), insert:—

- (i) if, being the Chief Commissioner or a full-time Commissioner, he is retired from office by the Governor under subclause (5).

(4) Schedule 1, clause 3 (5)—

After clause 3 (4), insert:—

- (5) The Chief Commissioner or a full-time commissioner may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Land Commission Act, 1976—

**Amendment
of Act No.
62, 1976.**

(1) Schedule 1, clause 8 (1) (j)—

Omit “or”.

(2) Schedule 1, clause 8 (1) (k)—

Omit “years.”, insert instead “years; or”.

(3) Schedule 1, clause 8 (1) (l)—

After clause 8 (1) (k), insert:—

- (l) if, being the Chairman, he is retired from office by the Governor under subclause (3).

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(4) Schedule 1, clause 8 (3)—

After clause 8 (2), insert:—

(3) The Chairman may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Amendment of Act No. 69, 1976. Energy Authority Act, 1976—

(1) Schedule 1, clause 8 (1) (i)—

Omit “or”.

(2) Schedule 1, clause 8 (1) (j)—

Omit “that qualification.”, insert instead “that qualification; or”.

(3) Schedule 1, clause 8 (1) (k)—

After clause 8 (1) (j), insert:—

(k) if, being the chairman, he is retired from office by the Governor.

(4) Schedule 1, clause 8 (3)—

After clause 8 (2), insert:—

(3) The chairman may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Amendment of Act No. 54, 1978. Meat Industry Act, 1978—

(1) (a) Schedule 2, clause 9 (1) (j)—

Omit “or”.

(b) Schedule 2, clause 9 (1) (k)—

Omit “be.”, insert instead “be; or”.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(c) Schedule 2, clause 9 (1) (l)—

After clause 9 (1) (k), insert:—

- (l) if, being the chairman, he is retired from office by the Governor under subclause (3) of this clause.

(d) Schedule 2, clause 9 (3)—

After clause 9 (2), insert:—

(3) The chairman may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

(2) (a) Schedule 3, clause 6 (1) (i)—

Omit “office.”, insert instead “office; or”.

(b) Schedule 3, clause 6 (1) (j)—

After clause 6 (1) (i), insert:—

- (j) if, being an executive officer, he is retired from office by the Governor or, being a person holding office as the Acting General Manager, he is retired from office by the Minister.

(c) Schedule 3, clause 6 (5)—

After clause 6 (4), insert:—

(5) An executive officer may be retired from office by the Governor, or a person holding office as the Acting General Manager may be retired from office by the Minister, after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Ethnic Affairs Commission Act, 1979—

(1) Section 9 (1) (j) (ii)—

Omit “or”.

Amendment
of Act No.
23, 1979.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Section 9 (1) (k)—

Omit "Governor.", insert instead "Governor; or".

(3) Section 9 (1) (l)—

After section 9 (1) (k), insert:—

(l) if, being a full-time commissioner, he is retired from office by the Governor.

(4) Section 9 (3)—

After section 9 (2), insert:—

(3) A full-time commissioner may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Amendment of Act No. 44, 1979. Plumbers, Gasfitters and Drainers Act, 1979—

(1) Schedule 1, clause 9 (k)—

Omit "or".

(2) Schedule 1, clause 9 (l)—

Omit "cause.", insert instead "cause; or".

(3) Schedule 1, clause 9 (m)—

After clause 9 (l), insert :—

(m) if, being the Chairman, he is retired from office by the Governor.

(4) Schedule 1, clause 9 (2)—

At the end of clause 9, insert :—

(2) The Chairman may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(5) Schedule 1, clause 13 (2)—

Omit “paragraph (b)”, insert instead “subclause (1) (b)”.

Crown Advocate Act, 1979—

Amendment
of Act No.
59, 1979.

(1) Section 6 (1) (e)—

Omit “or”.

(2) Section 6 (1) (f)—

Omit “his office.”, insert instead “his office; or”.

(3) Section 6 (1) (g)—

After section 6 (1) (f), insert :—

(g) if he is retired from office by the Governor pursuant to subsection (3).

(4) Section 6 (2)—

Omit “a Crown Advocate”, insert instead “the Crown Advocate”.

(5) Section 6 (3)—

After section 6 (2), insert :—

(3) The Crown Advocate may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 70 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Legal Services Commission Act, 1979—

Amendment
of Act No.
78, 1979.

(1) (a) Schedule 4, clause 5 (k)—

Omit “or”.

(b) Schedule 4, clause 5 (l)—

Omit “years.”, insert instead “years; or”.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

(c) Schedule 4, clause 5 (m)—

After clause 5 (l), insert :—

(m) if he is retired from office by the Minister.

(d) Schedule 4, clause 5 (2), (3)—

At the end of clause 5, insert :—

(2) A statutory officer of the Commission may be retired from office by the Minister after he attains the age of 60 years and before he attains the age of 65 years.

(3) If the Deputy Chairman is retired from office under subclause (2) of this clause, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

(2) Schedule 5, clause 6 (2)—

Omit “paragraph (b)”, insert instead “subclause (1) (b)”.

Amendment of Act No. 203, 1979. Environmental Planning and Assessment Act, 1979—

(1) Schedule 1, clause 6 (2)—

At the end of clause 6, insert:—

(2) The Director may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

(2) Schedule 1, clause 8 (c)—

Omit “or” where lastly occurring.

(3) Schedule 1, clause 8 (d)—

Omit “clause 7.”, insert instead “clause 7; or”.

(4) Schedule 1, clause 8 (e)—

After clause 8 (d), insert :—

(e) is retired from office by the Governor under clause 6 (2).

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Dairy Industry Marketing Authority Act, 1979—

Amendment
of Act No.
208, 1979.

- (1) Schedule 2, clause 10 (1) (i)—

Omit “or”.

- (2) Schedule 2, clause 10 (1) (j)—

Omit “Department.”, insert instead “Department; or”.

- (3) Schedule 2, clause 10 (1) (k)—

After clause 10 (1) (j), insert:—

(k) being a full-time member, he is retired from office by the Governor.

- (4) Schedule 2, clause 10 (3)—

After clause 10 (2), insert:—

(3) A full-time member may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 70 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Education Commission Act, 1980—

Amendment
of Act No.
23, 1980.

- (1) (a) Section 15 (b) (i)—

Omit “or”.

- (b) Section 15 (b) (ii)—

Omit “office;”, insert instead “office; or”.

- (c) Section 15 (b) (iii)—

After section 15 (b) (ii), insert:—

(iii) if he is retired from office by the Governor under sub-section (2);

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

(d) Section 15 (2)—

At the end of section 15, insert:—

(2) The Chairman may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

(2) Schedule 1, clause 5 (2)—

Omit “paragraph (d)”, insert instead “subsection (1) (d)”.

Amendment of Act No. 71, 1980. Motor Vehicle Repairs Act, 1980—

(1) Schedule 1, clause 10 (j)—

Omit “or”.

(2) Schedule 1, clause 10 (k)—

Omit “cause.”, insert instead “cause; or”.

(3) Schedule 1, clause 10 (l)—

After clause 10 (k), insert:—

(l) if, being the Chairman, he is retired from office by the Governor.

(4) Schedule 1, clause 10 (2)—

At the end of clause 10, insert:—

(2) The Chairman may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

(5) Schedule 1, clause 13 (2)—

Omit “paragraph (b)”, insert instead “subclause (1) (b)”.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Drug and Alcohol Authority Act, 1980—

Amendment
of Act No.
82, 1980.

(1) (a) Schedule 1, clause 9 (j) (ii)—

Omit “or”.

(b) Schedule 1, clause 9 (k)—

Omit “his office.”, insert instead “his office; or”.

(c) Schedule 1, clause 9 (l)—

After clause 9 (k), insert:—

(1) if, being the Chairman, he is retired from office by the Governor under subclause (2) of this clause.

(d) Schedule 1, clause 9 (2)—

At the end of clause 9, insert:—

(2) The Chairman may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

(2) Schedule 3, clause 5 (2)—

Omit “paragraph (b)”, insert instead “subclause (1) (b)”.

Transport Authorities Act, 1980—

Amendment
of Act No.
103, 1980.

(1) Schedule 2, clause 6 (1) (a)—

Omit “or”.

(2) Schedule 2, clause 6 (1) (b)—

Omit “cause.”, insert instead “cause; or”.

(3) Schedule 2, clause 6 (1) (c)—

After clause 6 (1) (b), insert:—

(c) if he is retired from office by the Governor.

Miscellaneous Acts (Retirement of Statutory Officers) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(4) Schedule 2, clause 6 (3)—

After clause 6 (2), insert:—

(3) An executive officer may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Sec. 4.

SCHEDULE 2.

SAVINGS AND TRANSITIONAL PROVISIONS.

Schedule 1
applies to
existing
statutory
officers.

1. The amendments made to an Act by this Act apply to a person holding office under that Act immediately before the commencement of this Act as well as to a person holding office under that Act after that commencement.

Compensation
in respect
of certain
officers.

2. A person who, immediately before the commencement of this Act, held office as Public Trustee, Commissioner of the Rural Bank of New South Wales, Apprenticeship Commissioner, Public Solicitor, Deputy Public Solicitor or Referrals Director of the Legal Services Commission of New South Wales shall, if he is retired from office pursuant to a provision of an Act inserted by this Act, be entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

Term of
office of
certain
statutory
officers.

3. The instrument of appointment of a person who, immediately before the commencement of this Act, held an office set out in Column 1 of the Table to this clause shall be deemed to specify the term of office set out opposite that office in Column 2 of that Table.

*Miscellaneous Acts (Retirement of Statutory Officers) Amendment.*SCHEDULE 2—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

TABLE.

Column 1. <i>Office</i>	Column 2. <i>Term of Office from Date of Appointment.</i>
Western Lands Commissioner	10 years
Assistant Western Lands Commissioner	10 years
President of the Board of Fire Commissioners of New South Wales	5 years
Deputy President of the Board of Fire Commissioners of New South Wales	5 years
Member (other than an elected member) of the State Super- annuation Board	7 years
Prickly-pear Destruction Commissioner	5 years
Commissioner of The Maritime Services Board of New South Wales (not being a nominated commissioner or the elected commissioner under the Maritime Services Act, 1935)	7 years
Chairman of the Council of Auctioneers and Agents	3 years
Official member of the Council of Auctioneers and Agents	3 years
Commissioner of the Housing Commission of New South Wales	5 years
Commissioner of the Prices Commission	3 years
Commissioner for Motor Transport	7 years
Member of the Teacher Housing Authority of New South Wales (other than the member holding office under section 7 (1) (b) of the Teacher Housing Authority Act, 1975)	5 years