

1993—No. 369

**TRANSFERRED OFFICERS EXTENDED LEAVE ACT 1961—
REGULATION**

(Transferred Officers Extended Leave Regulation 1993)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Transferred Officers Extended Leave Act 1961, has been pleased to make the Regulation set forth hereunder.

KERRY CHIKAROVSKI, M.P.,
Minister for Industrial Relations and Employment.

Citation

1. This Regulation may be cited as the Transferred Officers Extended Leave Regulation 1993.

Commencement

2. This Regulation commences on 1 September 1993.

Special service (sec. 4)

3. For the purposes of section 4 (2) of the Transferred Officers Extended Leave Act 1961, the following kinds of service are prescribed as special service:

- (a) war service within the meaning of Division 8 of Part III of the Repatriation Act 1920 of the Commonwealth;
- (b) service outside Australia as a member of the Interim Forces within the meaning of the Interim Forces Benefits Act 1947 of the Commonwealth;
- (c) Malayan service within the meaning of the Repatriation (Far East Strategic Reserve) Act 1956 of the Commonwealth;

(d) special service within the meaning of the Repatriation (Special Overseas Service) Act 1962 of the Commonwealth, as those Acts were in force immediately before their repeal, which occurred on 22 May 1986.

Repeal

4. The Transferred Officers Extended Leave Regulations 1973 are repealed.

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EXPLANATORY NOTE

The Transferred Officers Extended Leave Act 1961 allows a person who transfers to employment with a State employer (such as the New South Wales Public Service) from employment with a corresponding interstate employer (such as the Commonwealth Armed Forces or the Public Service of the Commonwealth or some other State) to bring across certain leave entitlements with respect to that employment so long as the successive periods of employment are continuous. Section 4 (2) of the Act provides that the continuity of employment is taken to remain continuous even if it is interrupted by breaks of up to 12 months following active military service or other military service prescribed by regulation to be “special service”.

The Transferred Officers Extended Leave Regulations 1973 prescribe various kinds of military service under Commonwealth legislation to be “special service” for the purposes of section 4 (2) of the Act.

The object of this Regulation is to repeal and remake, without any substantive changes, the provisions of the Transferred Officers Extended Leave Regulations 1973. Because the Commonwealth Acts referred to in the old Regulations have been repealed, and because it is intended that the various kinds of military service prescribed under the new Regulation are to be the same as under the old Regulations, references in the new Regulation are to those Acts as in force immediately before their repeal (22 May 1986).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
