



New South Wales

# **Energy Services Corporations (Savings and Transitional) Amendment (Extended Service Leave) Regulation 1996**

under the

Energy Services Corporations Act 1995

HIS Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Energy Services Corporations Act 1995*.

Michael Egan

Treasurer

## **Explanatory note**

The object of this Regulation is to ensure that employees of the various State electricity generators and State electricity distributors do not lose their extended service leave entitlements if they move from employment with one electricity generator to another or from employment with one electricity distributor to another.

This Regulation is made under the *Energy Services Corporations Act 1995*, including section 17 (the general regulation making power) and clause 1 of Schedule 5.

## 1996 No 640

Clause 1 Energy Services Corporations (Savings and Transitional Amendment (Extended Leave) Regulation 1996

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# Energy Services Corporations (Savings and Transitional) Amendment (Extended Service Leave) Regulation 1996

## 1 Name of Regulation

This Regulation is the *Energy Services Corporations (Savings and Transitional) Amendment (Extended Service Leave) Regulation 1996*.

## 2 Amendment of Energy Services Corporations (Savings and Transitional) Regulation 1996

The *Energy Services Corporations (Savings and Transitional) Regulation 1996* is amended as set out in Schedule 1.

## 3 Notes

The explanatory note does not form part of this Regulation.

## Schedule 1 Amendments

(Clause 2)

### [1] Part 1 heading

Insert before clause 1:

#### **Part 1 Preliminary**

### [2] Part 2 heading

Insert before clause 3:

#### **Part 2 Application of Environmental Planning and Assessment Act 1979**

**[3] Clause 3 Definitions**

Omit “In this Regulation”.  
Insert instead “In this Part”.

**[4] Parts 3 and 4**

Insert after clause 5:

**Part 3 Portability of extended service leave entitlements for electricity generators’ staff**

**6 Definitions**

In this Part:

*electricity generator* includes Pacific Power.

*eligible employee* means a person who is, and who has continuously since 1 March 1996 been, an employee of an electricity generator.

*new generator* means the electricity generator by which an eligible employee is currently employed.

*old generator* means the electricity generator by which an eligible employee was employed immediately before becoming an employee of the new generator.

**7 Preservation of extended service leave entitlements**

Continuous service of an eligible employee with the old generator is taken to be service with the new generator for the purpose only of calculating the employee’s entitlement to extended service leave.

**8 No dual benefits**

An eligible employee is not entitled to claim, both under this Part and under any other law, dual benefits of the same kind for the same period of service.

## 1996 No 640

Energy Services Corporations (Savings and Transitional) Amendment (Extended Service Leave) Regulation 1996

Schedule 1 Amendments

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### 9 Funding of extended service leave entitlements

- (1) As a consequence of the transfer of an eligible employee from one electricity generator to another, the old generator becomes liable to pay to the new generator:
  - (a) in the case of an eligible employee whose period of service with the old generator (as at the date of the transfer) was 5 years or more but less than 10 years, 50 per cent of the monetary value of the extended service leave to which the employee would have been entitled as at that date had the period of service been 10 years, or
  - (b) in the case of an eligible employee whose period of service with the old generator (as at the date of the transfer) was 10 years or more, 100 per cent of the monetary value of the employee's entitlement to extended service leave as at that date.
- (2) No such liability exists in the case of an eligible employee whose period of service with the old generator (as at the date of the transfer) was less than 5 years.

### Part 4 Portability of extended service leave entitlements for energy distributors' staff

#### 10 Definitions

In this Part:

*eligible employee* means a person who is, and who has continuously since 1 March 1996 been, an employee of an energy distributor.

*new distributor* means the energy distributor by which an eligible employee is currently employed.

*old distributor* means the energy distributor by which an eligible employee was employed immediately before becoming an employee of the new distributor.

**11 Preservation of extended service leave entitlements**

Continuous service of an eligible employee with the old distributor is taken to be service with the new distributor for the purpose only of calculating the employee's entitlement to extended service leave.

**12 No dual benefits**

An eligible employee is not entitled to claim, both under this Part and under any other law, dual benefits of the same kind for the same period of service.

**13 Funding of extended service leave entitlements**

- (1) As a consequence of the transfer of an eligible employee from one energy distributor to another, the old distributor becomes liable to pay to the new distributor:
  - (a) in the case of an eligible employee whose period of service with the old distributor (as at the date of the transfer) was 5 years or more but less than 10 years, 50 per cent of the monetary value of the extended service leave to which the employee would have been entitled as at that date had the period of service been 10 years, or
  - (b) in the case of an eligible employee whose period of service with the old distributor (as at the date of the transfer) was 10 years or more, 100 per cent of the monetary value of the employee's entitlement to extended service leave as at that date.
- (2) No such liability exists in the case of an eligible employee whose period of service with the old distributor (as at the date of the transfer) was less than 5 years.