

## GOVERNMENT RAILWAYS (AMENDMENT) ACT.

Act No. 73, 1924.

George V, **An Act to amend the Government Railways Act, 1912, and certain other Acts; to authorise the Railway Commissioners for New South Wales to carry on stores on railway construction works; to vest certain lands in the said Railway Commissioners and to make certain lands liable to be rated by the Municipal Council of Sydney; to enable James Fraser, Esquire, to contribute to the Government Railways Superannuation Account; and for purposes connected therewith.** [Assented to, 24th December, 1924.]  
No. 73.

**B**E it enacted by the King'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.** (1) This Act may be cited as the "Government Railways (Amendment) Act, 1924."

(2) In this Act the expression "the Principal Act" means the Government Railways Act, 1912, as subsequently amended.

(3) This Act shall be read with the Principal Act.

*Amendments*



*Amendments of Principal Act.*

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**2.** The Principal Act is amended as follows:—

Amendment  
of Act No. 30,  
1912.  
Sec. 5.

- (i) Section five is repealed and the following section is inserted in place thereof:—

5. (1) The Governor shall from time to time appoint a Chief Railway Commissioner for New South Wales and two Assistant Railway Commissioners for New South Wales. Before the appointment of an Assistant Railway Commissioner is made the Chief Commissioner shall be invited to report to the Governor with regard to the appointment, and full consideration shall be given to the representations made by the Chief Commissioner.

Appointment  
of Commis-  
sioners.

(2) The Governor may, on the recommendation of the Chief Commissioner, allot the duties of the Assistant Commissioners respectively and may, on the like recommendation, vary any such allotment of duties.

(3) Each such Commissioner shall, subject to this Act, hold office for seven years from the date on which his appointment takes effect.

(4) On the occurrence of any vacancy in the office of a Commissioner, the Governor shall appoint a person to the vacant office, whose term of office shall be for his predecessor's unexpired term of office.

(5) All persons appointed under this section shall, at the expiration of their respective terms of office, be eligible for re-appointment for a like term of seven years.

(6) In case of the illness, suspension, or absence of the Chief Commissioner the Governor may appoint as deputy of the Chief Commissioner any Assistant Commissioner who shall, during such illness, suspension, or absence of the Chief Commissioner, exercise his powers and perform his duties.

(7)



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(7) In case of the illness, suspension, or absence of any Assistant Commissioner, the Governor may appoint some person to act as the deputy of such Commissioner during such illness, suspension, or absence, and every person so appointed shall, while so acting, have all the powers and perform all the duties of such Commissioner.

Where an Assistant Commissioner is appointed in pursuance of this section to act as deputy of the Chief Commissioner the Governor may appoint a person to be deputy of such Assistant Commissioner whilst so acting.

(8) The Chief Commissioner and each of the Assistant Commissioners may contribute or continue to contribute to the Government Railways Superannuation Fund established under Part IX of this Act, and shall be entitled to receive benefits therefrom as if officers within the meaning of that Part from whose salaries deductions are directed to be made and placed to the credit of that fund.

Sec. 9.

(ii) Section nine is repealed and the following section is inserted in place thereof:—

Salaries of  
Commis-  
sioners.

9. The Commissioners shall respectively receive the following yearly salaries:—

The Chief Commissioner, five thousand pounds.

The Assistant Commissioners, two thousand five hundred pounds each.

Such salaries are hereby charged upon the Consolidated Revenue Fund, and such fund to the extent required for the payment of such salaries is hereby permanently appropriated.

New s. 10b.

(iii) The following new section is added next after section 10c:—

Area  
Commis-  
sioners.

10b. (1) There shall be four Area Commissioners who shall be appointed by the Chief Commissioner.

(2)



(2) The Area Commissioners shall, within such areas as may be allotted to them by the Commissioners from time to time, exercise such powers and discharge such duties as the Commissioners may determine.

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(3) The Area Commissioners shall receive such salaries respectively as the Commissioners may from time to time determine, but so that the salary of one of the Area Commissioners shall not exceed one thousand seven hundred and fifty pounds per annum, and the salaries of the other Area Commissioners shall not exceed one thousand five hundred pounds per annum respectively.

(4) Such Area Commissioners shall be officers within the meaning of this Act, but their appointment shall not be subject to the provisions of sections seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, and seventy-seven.

(iv) Paragraph (d) of section three is amended by inserting after the word "under" the words "section five of."

**3.** James Fraser, Esquire, shall be entitled to continue his contributions to the Government Railways Superannuation Account as from the fourth day of April, one thousand nine hundred and fourteen, when he ceased to contribute to the same, and shall thereupon be entitled to all the benefits therefrom to which he would have been entitled had his contributions continued without interruption.

Contribution  
by Chief  
Commis-  
sioner.

All arrears of such contributions shall be paid by the said James Fraser, Esquire, to the said account within twelve months from the date of the commencement of this Act.

**4.** The Principal Act is further amended as follows :—

Further amend-  
ment of Act  
No. 30, 1912.  
(Properties.)  
New s. 12A.

(i) By adding next after section twelve the following new section :—

12A. (1) All lands resumed or acquired for the purpose of the works authorised by the City and Suburban Electric Railway Act, 1915, are

Vesting of  
certain lands.



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are hereby transferred to and vested in the Commissioners for all the estate and interest for which the same were prior to the passing of this Act vested in the Secretary for Public Works as Constructing Authority.

(2) Where any of the said lands are leased to any person the same shall be ~~lettable~~ under the Sydney Corporation Act, 1902, and Acts amending the same.

Sec. 20n.

(ii) (a) by omitting paragraph (a) of the proviso to subsection one of section 20b and by inserting the following new paragraph in place thereof:—

(a) The following section is inserted after section four of the said Act:—

Acquisition  
easement

4A. (1) The provisions of this Act relating to the acquisition of land shall, whether such easement or right is acquired separately from or together with any land, also apply to the acquisition of an easement or right—

(a) to use in any manner, for the construction and maintenance of works, the surface of land, and without limiting the generality of the foregoing purpose to use the surface—

(i) for canals, drainage, or storm-water channels; or

(ii) for the erection and maintenance of wires or cables for the transmission of electricity and the erection of the necessary supports therefor; or

(iii) for the construction and maintenance of manholes or ventilators;

(b)



(b) to use in any manner for the construction and maintenance of works the subsoil or undersurface of land, and without limiting the generality of the foregoing purpose to use any of the strata beneath the surface—

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(i) for tunnels or pipes for the conveyance of water or sewage; or

(ii) for tunnels or conduits for electric wires or cables.

(2) Where an easement or right to use the surface of land is acquired the easement or right shall be deemed to include a power, from time to time as occasion may require, to enter upon the land for the purpose of inspection and for carrying out of any additions, renewals, or repairs.

(3) Where an easement or right to use the subsoil or undersurface of land is acquired, no compensation shall be payable except for actual damage done in the construction of the work or occasioned thereby;

(b) by omitting paragraph (c) of the same proviso and by inserting the following new paragraph in place thereof :—

(c) Section one hundred and thirty-eight is amended by adding thereto the following proviso :—

Provided that where an easement or right to use the surface or the subsoil or undersurface of any land is taken, the easement or right shall not be deemed part of a house or other building or manufactory.

(iii)



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New s. 41A.  
Surveys.

- (iii) By adding next after section forty-one the following new section :—

41A. Any person authorised by the Commissioners or by the Under Secretary for Public Works may enter any land with any assistants and any horses and vehicles, and do therein such things as may be necessary for the purpose of making surveys and taking levels in relation to land proposed to be acquired, or works proposed to be constructed, and staking and setting out such surveys.

In the exercise of such powers such persons shall do as little damage as possible, and, if required, compensation shall be paid to the owner and occupier of the land for any damage caused by such persons to the owner and occupier respectively.

Further amend-  
ment of Act  
No. 30, 1912.  
(Miscellaneous)  
New s. 20c.

**5.** The Principal Act is further amended as follows :—

- (i) The following new section is inserted next after section 20B :—

20c. (1) The Commissioners may, in connection with the construction of any lines of railway, carry on stores for the supply of goods to the workmen and other persons engaged upon such work.

(2) Notwithstanding anything to the contrary contained in any Act, all sums of money due by such persons to the Commissioners for goods supplied by them may be deducted from the wages or salaries of such persons.

Sec. 65.

- (ii) Section sixty-five is repealed and the following new section inserted in place thereof :—

65. Such by-laws shall—

- (i) if approved by the Governor, be published in the Gazette ;  
(ii) take effect from three clear days after the date of publication, or from a later date to be specified in such by-laws ; and

(iii)

By-laws to  
be approved  
and  
published,  
&c.

Power to  
carry on  
stores.



- (iii) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session. George V.  
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If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such by-laws have been laid before such House disallowing any by-law or part thereof, such by-law or part shall therefrom cease to have effect.

- (iii) Section one hundred and two is amended by Sec. 102. omitting all words after paragraph (i) and by inserting the following new paragraph and subsection :—

- (j) for carrying into effect any provision of this Act.

- (2) Such regulations shall—

- (i) if confirmed by the Governor be published in the Gazette ;
- (ii) take effect from seven clear days after the date of publication, or from a later date to be specified in such regulations ; and

- (iii) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall therefrom cease to have effect.

(iv)



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Sec. 1.

(iv) Section one is amended as follows:—

- (a) By omitting the figures “41” wherever occurring and by inserting in lieu thereof the figures and letter “41A”;
  - (b) by omitting the figures and letter “10c” and by inserting in lieu thereof the figures and letter “10D”;
  - (c) by omitting the figures and letter “20B” and by inserting in lieu thereof the figures and letter “20c.”
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