

**GOVERNMENT RAILWAYS AND  
TRANSPORT (AMENDMENT)  
ACT.**

---

Act No. 19, 1936.

**Edward VIII,**  
**No. 19, 1936.**

An Act to make certain provisions in relation to officers of the Department of Railways and of the Department of Road Transport and Tramways who have been incapacitated by injury; to amend the Government Railways Act, 1912-1934, the Transport Act, 1930, and certain other Acts in certain respects; to validate certain matters; and for purposes connected therewith.  
[Assented to, 22nd June, 1936.]

**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. This Act may be cited as the "Government Railways and Transport (Amendment) Act, 1936."

**Amendment of  
Act No. 30,  
1912, s. 82.  
(Officers guilty  
of misconduct.)**

2. (1) The Government Railways Act, 1912-1934, is amended by omitting from section eighty-two the words "in the prescribed manner."

**Amendment of  
Act No. 18,  
1930, s. 109.  
(Officers guilty  
of misconduct.)**

(2) The Transport Act, 1930, as amended by subsequent Acts, is amended by omitting from section one hundred and nine the words "in the prescribed manner."

**Validation  
of acts of  
heads of  
branches.**

(3) (a) Any action taken, before the commencement of this Act, by the officer at the head of any branch of the railway service which would have been valid if the amendment made by subsection one of this section had been in force at the time such action was taken, is hereby validated.

(b)

(b) Any action taken, before the commencement of this Act, by the officer at the head of any branch of the transport service which would have been valid if the amendment made by subsection two of this section had been in force at the time such action was taken, is hereby validated.

(4) Any alteration of the law made by this section **Saving.** shall not affect any action or proceeding concluded before the commencement of this Act.

(5) The Government Railways Act, 1912-1934, is further amended by inserting in section eighty-two after the words "dealt with" the words "shall be notified in writing of the nature of the misconduct charged or of the breach of rule, by-law or regulation alleged to have been committed and".

(6) The Transport Act, 1930, is further amended by inserting in section one hundred and nine after the words "dealt with" the words "shall be notified in writing of the nature of the misconduct charged or of the breach of rule or regulation alleged to have been committed and".

**3.** (1) The Government Railways Act, 1912-1934, is further amended by omitting section 100B and by inserting in lieu thereof the following section:—

**Further  
amendment of  
Act No. 30,  
1912.**  
**Substituted  
sec. 100B.**

100B. (1) Where an officer has been incapacitated by injury arising out of and in the course of his employment so as to be unable to perform the duties of the classification to which at the date of the injury he had been appointed, he shall, except where such injury was caused by his own serious and wilful misconduct, be paid, during such incapacity, not less than the salary for the time being payable to officers with the same classification and with the same length of service therein as such officer had at the date he received the injury, but such salary shall cease to be payable when such officer is retired from or otherwise leaves the railway service.

**Officer in-  
capacitated  
by injury.**

(2) Where an officer who has been incapacitated by injury arising out of and in the course of his employment was, at the date of such injury, and had

**Government Railways and Transport (Amendment) Act.**

**No. 19, 1936.**

had been, for a continuous period of not less than four months immediately preceding such date, or for periods amounting to four months in the aggregate, during the period of twelve months immediately preceding such date employed upon duties of a classification (in this subsection referred to as the "higher classification") carrying a higher salary than the classification to which at that date he had been appointed, and where the incapacity is such that such officer is by reason thereof unable to perform the duties of the higher classification, he shall, except where such injury was caused by his own serious and wilful misconduct, be paid, during such incapacity not less than the salary for the time being payable to officers performing duties in such higher classification (not being officers who have been appointed thereto) with the same length of service upon such duties as such officer had at the date he received the injury, but such salary shall cease to be payable when such officer is retired from or otherwise leaves the railway service.

(2) The Transport Act, 1930, as amended by subsequent Acts, is further amended by omitting section one hundred and twenty-four and by inserting in lieu thereof the following section:—

**Further amendment of Act No. 18, 1930. Substituted sec. 124.**

**Officer incapacitated by injury.**

124. (1) Where an officer has been incapacitated by injury arising out of and in the course of his employment so as to be unable to perform the duties of the classification to which at the date of the injury he had been appointed, he shall, except where such injury was caused by his own serious and wilful misconduct, be paid, during such incapacity, not less than the salary for the time being payable to officers with the same classification and with the same length of service therein as such officer had at the date he received the injury, but such salary shall cease to be payable when such officer is retired from or otherwise leaves the transport service.

(2) Where an officer who has been incapacitated by injury arising out of and in the course of his employment was, at the date of such injury, and had been, for a continuous period of not less than four months

months immediately preceding such date, or for periods amounting to four months in the aggregate, during the period of twelve months immediately preceding such date, employed upon duties of a classification (in this subsection referred to as the "higher classification") carrying a higher salary than the classification to which at that date he had been appointed, and where the incapacity is such that such officer is by reason thereof unable to perform the duties of the higher classification, he shall, except where such injury was caused by his own serious and wilful misconduct, be paid, during such incapacity, not less than the salary for the time being payable to officers performing duties in such higher classification (not being officers who have been appointed thereto) with the same length of service upon such duties as such officer had at the date he received the injury, but such salary shall cease to be payable when such officer is retired from or otherwise leaves the transport service.

(3) (a) Subsection one of this section shall be deemed to have commenced on the first day of January, one thousand nine hundred and seventeen.

Commencement of subsections one and two.

(b) Subsection two of this section shall be deemed to have commenced on the fifth day of August, one thousand nine hundred and thirty.

(4) In the case of any officer who was, before the commencement of this Act, incapacitated by injury arising out of and in the course of his employment (not being an injury caused by his own serious and wilful misconduct) and who is, as a result of such incapacity, immediately before such commencement, employed upon duties of a classification lower than the classification to which, at the date of the injury, he had been appointed, any alteration of the law made by this section shall not operate so as to reduce the salary of such officer to a rate less than the rate payable to him immediately before such commencement.

(5) Any alteration of the law made by this section shall not affect any action or proceeding concluded before the commencement of this Act.

Saving.

(6)

**Government Railways and Transport (Amendment)  
Act.**

**No. 19, 1936.**

(6) Notwithstanding the retrospective effect given by subsection three of this section, to the amendments made by subsections one and two of this section, no officer affected by section 100B of the Government Railways Act, 1912, or by section one hundred and twenty-four of the Transport Act, 1930 (as respectively inserted by this section) who has, in respect of any period before the commencement of this Act, been paid salary at a rate less than the appropriate rate as ascertained in accordance with such sections, shall be entitled to any further payment in respect of any such period except as follows:—

(a) Where the officer concerned was not, at the commencement of this Act, in receipt of weekly payments by way of compensation he shall be paid such sum (if any) as represents the excess of the amount of salary at such appropriate rate for the period ascertained in accordance with paragraph (b) of this subsection over the total of all amounts paid to or for the benefit of such officer in respect of such period, whether as weekly payments by way of compensation or as the cost of medical or hospital treatment or ambulance service, or as salary properly payable to such officer for the performance of the duties of the classification in which he is employed during such period:

Provided that where the officer concerned has elected, pursuant to section sixteen of the Workers' Compensation Act, 1926 (whether as originally enacted or as amended) to accept an amount payable in accordance with the table to that section, he shall not be entitled to any payment under this paragraph.

(b) The period referred to in paragraph (a) of this subsection shall be—

(i) Where the officer concerned was injured less than one year before the commencement of this Act—the period commencing on the date upon which he was injured and terminating on the date of commencement of this Act;

(ii)

- (ii) Where the officer concerned was injured more than one year before the commencement of this Act and was, at the beginning of the period of one year before such commencement totally incapacitated as a result of such injury—the period commencing on the date upon which such total incapacity commenced and terminating on the date of the commencement of this Act;
- (iii) In every other case—the period of twelve months immediately preceding the commencement of this Act.
- (c) Where the officer concerned was, at the commencement of this Act, in receipt of weekly payments by way of compensation, and makes the election referred to in subsection five of section 100D of the Government Railways Act, 1912, or in subsection five of section 124B of the Transport Act, 1930 (as respectively inserted by this Act) he shall be paid such sum (if any) as is ascertained in accordance with the said subsections.

**4.** (1) The Government Railways Act, 1912-1934, is further amended by inserting next after section 100B the following new sections:—

100C. (1) Except as provided in subsection two of this section any officer who, after having been retired from or having otherwise left the railway service, has been re-employed in such service, shall not, by reason of any incapacity resulting from injury received during his former period of employment, be entitled to payment of salary at a rate ascertained in accordance with section 100B of this Act.

Further  
amendment of  
Act No. 30,  
1912.  
New secs.  
100C-100B.

Re-  
employed  
officers.

(2) Where any officer who has been retired from or has otherwise left the railway service as a result of incapacity occasioned by injury arising out of and in the course of his employment, is re-employed in such service the following provisions shall have effect—

(a) Where such officer was so re-employed by reason of having been required pursuant to section

**Government Railways and Transport (Amendment) Act.**

**No. 19, 1936.**

section one hundred and nineteen of this Act to resume his duties or to undertake other duties, he shall be entitled while he remains in the railway service to payment of salary at a rate ascertained in accordance with section 100B of this Act.

(b) Where such officer was so re-employed by reason of having been required by the Commissioner for Railways to resume his duties or to undertake other duties, and, at the date upon which he was so re-employed, was receiving weekly payments by way of compensation he shall, if he so elects, be entitled while he remains in the railway service to payment of salary at a rate ascertained in accordance with section 100B of this Act.

Where any such officer does so elect he shall as from the date of such election cease to be entitled to such weekly payments by way of compensation.

**Election between rights under sec. 100B, and right to compensation or damages.**

100D. (1) Where an officer has, pursuant to section 100B of this Act, become entitled to payment of salary at a rate ascertained in accordance with that section, he shall, to the exclusion of any right while he remains in the railway service to compensation or damages against the Commissioner for Railways, continue to be so entitled during incapacity attributable to the injury and while he remains in the railway service unless—

- (a) where the injury was sustained not less than one year before the commencement of the Government Railways and Transport (Amendment) Act, 1936, he elects to make a claim against the Commissioner for Railways for compensation; or
- (b) where the injury was sustained within one year before or was sustained after such commencement he elects to make a claim against such Commissioner for compensation or damages; or
- (c) he is, by the operation of subsection five of this section excluded from the benefits of section 100B of this Act. (2)

(2) Any such election may be made by notice in writing given to the Commissioner for Railways or by the institution of proceedings for the recovery of compensation or damages.

(3) Any such election shall be made—

- (a) where the injury was sustained before the commencement of the Government Railways and Transport (Amendment) Act, 1936—as soon as practicable after such commencement but not in any such case later than six months after—
  - (i) such commencement, where the officer concerned was incapacitated as a result of the injury at such commencement; or
  - (ii) the beginning of the first period of incapacity resulting from the injury where the officer concerned was not incapacitated as a result of the injury at such commencement;
- (b) where the injury was sustained after the commencement of the Government Railways and Transport (Amendment) Act, 1936—as soon as practicable after the injury was sustained but not in any such case later than six months after the beginning of the first period of incapacity resulting from the injury.

(4) Where any such election is made,

- (a) the officer shall, as from the date of such election, cease to be entitled to payment of the salary at the rate ascertained under section 100B of this Act; and
- (b) any amounts paid to such officer before such date by way of salary at the rate so ascertained shall where any sum becomes payable by the Commissioner for Railways as compensation (including the cost of medical or hospital treatment or ambulance service) or as damages be set off against such sum after

**Government Railways and Transport (Amendment) Act.****No. 19, 1936.**

after making due allowance, in the case of any officer who had returned to duty before the date of such election, for any salary properly payable to such officer in respect of the duties of the classification in which he is employed after his return to duty and before the date of such election.

(5) Where any such officer has, before the commencement of the Government Railways and Transport (Amendment) Act, 1936, made a claim for compensation against the Commissioner for Railways in respect of an injury received before such commencement the following provisions shall have effect:—

(a) Where the officer concerned before such commencement, elected, pursuant to section sixteen of the Workers' Compensation Act, 1926 (whether as originally enacted or as amended), to accept an amount payable in accordance with the table to that section, such officer shall be excluded from the benefits of section 100B of this Act in respect of any period before the commencement of the Government Railways and Transport (Amendment) Act, 1936, but as from such commencement shall, notwithstanding the provisions of section forty-seven of the Workers' Compensation Act, 1926, as amended by subsequent Acts, be entitled to the benefits conferred by section 100B of this Act.

(b) Where the officer concerned is, at the date of such commencement, receiving weekly payments by way of compensation, he may elect to abandon his claim to such weekly payments and to accept the benefits of section 100B of this Act, and if he does not so elect, within the time prescribed by paragraph (c) of this subsection, he shall be excluded from the benefits of section 100B of this Act.

(c)

- (c) Any election under this subsection shall be made in writing to such Commissioner as soon as practicable after such commencement and not in any case later than six months after such commencement.
- (d) Where any officer exercises the right of election under this subsection he shall, as soon as practicable thereafter, take any action necessary to carry into effect the abandonment of his claim to such weekly payments or to terminate any right to such weekly payments which may have accrued to him by reason of such claim, and the election shall not be deemed to have been completed until he has done so.
- (e) Where an election under this subsection has been completed the officer concerned shall be paid such sum (if any) as represents the excess of the amount of salary at the appropriate rate ascertained in accordance with section 100B of this Act for the period ascertained in accordance with paragraph (f) of this subsection over the total of all amounts paid to or for the benefit of such officer in respect of such period, whether as weekly payments by way of compensation or as the cost of medical or hospital treatment or ambulance service, or as salary properly payable to such officer for the performance of the duties of the classification in which he is employed during such period.
- (f) The period referred to in paragraph (e) of this subsection shall be—
  - (i) Where the officer concerned was injured less than one year before the commencement of the Government Railways and Transport (Amendment) Act, 1936,—the period commencing on the date upon which he was injured and terminating on the date upon which the election under this subsection is completed.
  - (ii)

**No. 19, 1936.**

—

- (ii) Where the officer concerned was injured more than one year before the commencement of the Government Railways and Transport (Amendment) Act, 1936, and was, at the beginning of the period of one year immediately before such commencement totally incapacitated as a result of such injury—the period commencing on the date upon which such total incapacity commenced and terminating on the date upon which the election under this subsection is completed.
- (iii) In every other case—the period commencing on a date being one year before the date of the commencement of the Government Railways and Transport (Amendment) Act, 1936, and terminating on the date upon which the election under this subsection is completed.

**100E. (1) An officer who—**

- (a) is a contributor to the Government Railways Superannuation Account; and
- (b) has been incapacitated from the further discharge of his duties by injury arising out of and in the course of his employment, not being an injury caused by his own serious and wilful misconduct; and
- (c) by reason of such incapacity has been retired from or has otherwise left the railway service, after the commencement of the Government Railways and Transport (Amendment) Act, 1936,

shall be entitled to the benefits conferred by Part IX of this Act (other than the gratuity referred to in section one hundred and sixteen) and, in addition thereto, shall be entitled to make an election—

- (i) to claim the gratuity referred to in section one hundred and sixteen of this Act, in which case

**Election be-  
tween benefits  
under Part IX  
and right to  
compensation  
or damages  
against Com-  
missioner.**

case he shall not be entitled to make any other claim, whether for compensation or damages, against the Commissioner for Railways; or

- (ii) to make a claim for compensation, in which case he shall not be entitled to claim such gratuity or to make any claim for damages against such Commissioner; or
- (iii) to make a claim for damages against such Commissioner, in which case he shall not be entitled to make any claim against such Commissioner for compensation or to claim such gratuity:

Provided that, where the officer concerned has before being retired from or otherwise leaving the railway service and either before or after the commencement of the Government Railways and Transport (Amendment) Act, 1936, made a claim for compensation, and has elected, pursuant to section sixteen of the Workers' Compensation Act, 1926 (whether as originally enacted or as amended) to accept an amount payable in accordance with the table to that section, such officer shall not be entitled to make any such election or to claim such gratuity or to make any claim for compensation or damages.

(2) Any such election may be made by notice in writing given to the Commissioner for Railways or by the institution of proceedings against such Commissioner for the recovery of compensation or damages.

(2) The Transport Act, 1930, as amended by subsequent Acts, is further amended by inserting next after section one hundred and twenty-four the following new sections:—

124A. (1) Except as provided in subsection two of this section any officer who, after having been retired from or having otherwise left the transport service has been re-employed in such service, shall not, by reason of any incapacity resulting from injury received during his former period

Further amendment of  
Act No. 13,  
1930.  
New sec. 124A.

Re-  
employed  
officers.

**Government Railways and Transport (Amendment)  
Act.**

**No. 19, 1936.**

period of employment, be entitled to payment of salary at a rate ascertained in accordance with section one hundred and twenty-four of this Act.

(2) Where any officer who has been retired from or has otherwise left the transport service as a result of incapacity occasioned by injury arising out of and in the course of his employment, is re-employed in such service the following provisions shall have effect:—

- (a) Where such officer was so re-employed by reason of having been required pursuant to section one hundred and nineteen of the Government Railways Act, 1912-1934, to resume his duties or to undertake other duties he shall be entitled, while he remains in the transport service, to payment of salary at a rate ascertained in accordance with section one hundred and twenty-four of this Act.
- (b) Where such officer was so re-employed by reason of having been required by the Commissioner for Road Transport and Tramways to resume his duties or to undertake other duties, and at the date he was so re-employed was receiving weekly payments by way of compensation he shall, if he so elects, be entitled, while he remains in the transport service, to payment of salary at a rate ascertained in accordance with section one hundred and twenty-four of this Act.

Where any such officer does so elect he shall, as from the date of such election, cease to be entitled to such weekly payments by way of compensation.

**Election be-  
tween right  
under sec.  
124, and  
right to  
compen-  
sation or  
damages.**

124B. (1) Where an officer has, pursuant to section one hundred and twenty-four of this Act, become entitled to payment of salary at a rate ascertained in accordance with that section, he shall, to the exclusion of any right while he remains in the transport service to compensation or damages against the

**Government Railways and Transport (Amendment)  
Act.**

§101

No. 19, 1936.

the Commissioner for Road Transport and Tramways, continue to be so entitled during incapacity attributable to the injury and while he remains in the transport service unless—

- (a) where the injury was sustained not less than one year before the commencement of the Government Railways and Transport (Amendment) Act, 1936, he elects to make a claim against the Commissioner for Road Transport and Tramways for compensation; or
- (b) where the injury was sustained within one year before or was sustained after such commencement he elects to make a claim against such Commissioner for compensation or damages; or
- (c) he is, by the operation of subsection five of this section excluded from the benefits of section one hundred and twenty-four of this Act.

(2) Any such election may be made by notice in writing given to the Commissioner for Road Transport and Tramways or by the institution of proceedings for the recovery of compensation or damages.

(3) Any such election shall be made—

- (a) where the injury was sustained before the commencement of the Government Railways and Transport (Amendment) Act, 1936—as soon as practicable after such commencement but not in any such case later than six months after—
  - (i) such commencement, where the officer concerned was incapacitated as a result of the injury at such commencement; or
  - (ii) the beginning of the first period of incapacity resulting from the injury where the officer concerned was not incapacitated as a result of the injury at such commencement.

(b)

**No. 19, 1936.**

(b) where the injury was sustained after the commencement of the Government Railways and Transport (Amendment) Act, 1936—as soon as practicable after the injury was sustained, but not in any such case later than six months after the beginning of the first period of incapacity resulting from the injury.

(4) Where any such election is made—

(a) the officer shall, as from the date of such election, cease to be entitled to payment of the salary at the rate ascertained under section one hundred and twenty-four of this Act; and

(b) any amounts paid to such officer before such date by way of salary at the rate so ascertained shall where any sum becomes payable by the Commissioner for Road Transport and Tramways as compensation (including the cost of medical or hospital treatment or ambulance service) or as damages be set off against such sum, after making due allowance, in the case of any officer who had returned to duty before the date of such election, for any salary properly payable to such officer in respect of the duties of the classification in which he is employed after his return to duty and before the date of such election.

(5) Where any such officer has, before the commencement of the Government Railways and Transport (Amendment) Act, 1936, made a claim for compensation against the Commissioner for Road Transport and Tramways in respect of an injury received before such commencement the following provisions shall have effect—

(a) Where the officer concerned, before such commencement, elected, pursuant to section sixteen of the Workers' Compensation Act, 1926 (whether as originally enacted or as amended), to accept an amount payable in accordance

accordance with the table to that section, such officer shall be excluded from the benefits of section one hundred and twenty-four of this Act in respect of any period before the commencement of the Government Railways and Transport (Amendment) Act, 1936, but as from such commencement shall, notwithstanding the provisions of section forty-seven of the Workers' Compensation Act, 1926, as amended by subsequent Acts, be entitled to the benefits conferred by section one hundred and twenty-four of this Act.

- (b) Where the officer concerned is, at the date of such commencement, receiving weekly payments by way of compensation, he may elect to abandon his right to such weekly payments and to accept the benefits of section one hundred and twenty-four of this Act, and if he does not so elect within the time prescribed by paragraph (c) of this subsection he shall be excluded from the benefits of section one hundred and twenty-four of this Act.
- (c) Any election under this subsection shall be made in writing to such Commissioner as soon as practicable after such commencement and not in any case later than six months after such commencement.
- (d) Where any officer exercises the right of election under this subsection he shall, as soon as practicable thereafter, take any action necessary to carry into effect the abandonment of his claim to such weekly payments or to terminate any right to such weekly payments which may have accrued to him by reason of such claim, and the election shall not be deemed to have been completed until he has done so.
- (e) Where an election under this subsection has been completed the officer concerned shall be paid such sum (if any) as represents the excess

excess of the amount of salary at the appropriate rate ascertained in accordance with section one hundred and twenty-four of this Act for the period ascertained in accordance with paragraph (f) of this subsection over the total of all amounts paid to or for the benefit of such officer in respect of such period, whether as weekly payments by way of compensation or as the cost of medical or hospital treatment or ambulance service, or as salary properly payable to such officer for the performance of the duties of the classification in which he is employed during such period.

(f) The period referred to in paragraph (e) of this subsection shall be—

- (i) Where the officer concerned was injured less than one year before the commencement of the Government Railways and Transport (Amendment) Act, 1936—the period commencing on the date upon which he was injured and terminating on the date upon which the election under this subsection is completed.
- (ii) Where the officer concerned was injured more than one year before the commencement of the Government Railways and Transport (Amendment) Act, 1936, and was, at the beginning of the period of one year immediately before such commencement totally incapacitated as a result of such injury—the period commencing on the date upon which such total incapacity commenced and terminating on the date upon which the election under this subsection is completed.
- (iii) In every other case—the period commencing on a date being one year before

before the date of the commencement of the Government Railways and Transport (Amendment) Act, 1936, and terminating on the date upon which the election under this subsection is completed.

124c. (1) An officer who—

- (a) is a contributor to the Government Railways Superannuation Account or to the State Superannuation Fund; and
- (b) has been incapacitated from the further discharge of his duties by injury arising out of and in the course of his employment, not being an injury caused by his own serious and wilful misconduct; and
- (c) by reason of such incapacity has been retired or has otherwise left the transport service after the commencement of the Government Railways and Transport (Amendment) Act, 1936,

Election be-  
tween super-  
annuation  
benefits, etc.,  
and right to  
compensation  
or damages  
from Com-  
missioner.

shall be entitled to the benefits conferred by Part IX of the Government Railways Act, 1912-1934 (other than the gratuity referred to in section one hundred and sixteen of that Act), or to the benefits conferred by the Superannuation Act, 1916-1935, as the case may be, and in addition thereto, shall be entitled to make an election—

- (i) where he is a contributor to the Government Railways Superannuation Account—
  - (a) to claim the gratuity referred to in section one hundred and sixteen of the Government Railways Act, 1912-1934, in which case he shall not be entitled to make any other claim, whether for compensation or damages, against the Commissioner for Road Transport and Tramways; or
  - (b) to make a claim for compensation, in which case he shall not be entitled to claim such gratuity or to make any claim for damages against such Commissioner; or

(c)

**Government Railways and Transport (Amendment)  
Act.**

**No. 19, 1936.**

(c) to make a claim for damages against such Commissioner, in which case he shall not be entitled to make any claim against such Commissioner for compensation or to claim such gratuity; or

(ii) where he is a contributor to the State Super-annuation Fund—

(a) to make a claim for compensation, in which case he shall not be entitled to make any claim for damages against such Commissioner; or

(b) to make a claim for damages against such Commissioner, in which case he shall not be entitled to make any claim against such Commissioner for compensation:

Provided that, where the officer concerned has, before being retired from or otherwise leaving the transport service and either before or after the commencement of the Government Railways and Transport (Amendment) Act, 1936, made a claim for compensation, and has elected, pursuant to section sixteen of the Workers' Compensation Act, 1926 (whether as originally enacted or as amended) to accept an amount payable in accordance with the table to that section, such officer shall not be entitled to make any such election or to claim such gratuity or to make any claim for compensation or damages.

(2) Any such election may be made by notice in writing given to the Commissioner for Road Transport and Tramways, or by the institution of proceedings against such Commissioner for the recovery of compensation or damages.

**5.** (1) The Government Railways Act, 1912-1934, is further amended—

**Further  
amendment of  
Act No. 30,  
1912.**

**Sec. 143.  
(Limitation  
of actions  
against Com-  
missioners.)**

(a) (i) by inserting in section one hundred and forty-three after the word "done" wherever occurring the words "or omitted";  
(ii)

No. 19, 1936.

- (ii) by inserting in the same section after the words "the act" the words "or omission";
- (iii) by inserting at the end of the same section the words "or made";
- (b) by inserting in subsection one of section one hundred and forty-four after the word "done" (Notice of action.) wherever occurring the words "or omitted."

(2) The Transport Act, 1930, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 18, 1930.

- (a) (i) by inserting in subsection two of section two hundred and thirty-two after the word "done" wherever occurring the words "or omitted"; Sec. 232. (Limitation of action.)
- (ii) by inserting in the same subsection after the words "the act" the words "or omission";
- (iii) by inserting at the end of the same subsection the words "or made";
- (b) by inserting in subsection one of section two hundred and thirty-three after the word "done" (Notice of action.) wherever occurring the words "or omitted."

(3) (a) Subsection one of this section shall be deemed to have commenced on the twenty-sixth day of November, one thousand nine hundred and twelve. Commencement of subsections one and two.

(b) Subsection two of this section shall be deemed to have commenced on the fifth day of August, one thousand nine hundred and thirty.

(4) Any alteration of the law made by this section Saving. shall not affect any action or proceeding concluded before the commencement of this Act.

**6.** (1) The Government Railways Act, 1912-1934, is further amended by inserting at the end of section one hundred and three the following new paragraph:— Further amendment of Act No. 30, 1912.

Sec. 103. (Right to sue.)

This section shall not affect and shall be deemed never to have affected the operation of section 100B (whether as originally enacted or as inserted by the Government Railways and Transport (Amendment) Act, 1936) section 100C, section 100D, section 100E, section one hundred and forty-three, section one hundred and forty-four or section one hundred and forty-five of this Act.

(2)

**No. 19, 1936.**

Further  
amendment  
of Act No.  
18, 1930.

Sec. 125.  
(Right to  
sue.)

**Saving.**

(2) The Transport Act, 1930, as amended by subsequent Acts, is further amended by inserting at the end of section one hundred and twenty-five the following new paragraph:—

This section shall not affect and shall be deemed never to have affected the operation of section one hundred and twenty-four (whether as originally enacted or as inserted by the Government Railways and Transport (Amendment) Act, 1936), section 124A, section 124B, section 124C, section two hundred and thirty-two, section two hundred and thirty-three or section two hundred and thirty-four of this Act.

(3) Any alteration of the law made by this section shall not affect any action or proceeding concluded before the commencement of this Act.

---