

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

Act No. 41, 1958.

An Act to provide that officers of the Departments of Railways, Government Transport and Motor Transport who formerly vacated their offices in certain circumstances may be dealt with as if they were guilty of misconduct; to vary the method of lodging claims for compensation in respect of resumptions for railway purposes; to empower the Commissioner for Railways to make special contracts for the carriage of passengers; to validate certain matters; for these and other purposes to amend the Government Railways Act, 1912, and the Transport Act, 1930, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 31st December, 1958.]

*Elizabeth II,
No. 41, 1958.*

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. (1) This Act may be cited as the "Government Railways and Transport (Amendment) Act, 1958".

*Short title
and
citation.*

(2) The Government Railways Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Government Railways Act, 1912-1958.

(3)

No. 41, 1958.

(3) The Transport Act, 1930, as amended by subsequent Acts and by this Act, may be cited as the Transport Act, 1930-1958.

Amendment of Act No. 5, 1958.

(4) The Public Service and Other Statutory Bodies (Extended Leave) Act, 1958, is amended—

Secs. 5 (2) and 6 (2).

(Consequential.)

- (a) by omitting subsection two of section five;
- (b) by omitting subsection two of section six.

Amendment of Act No. 30, 1912.

2. The Government Railways Act, 1912, as amended by subsequent Acts, is amended—

Sec. 20B.
(The Commissioners to be constructing authority for lines of railway and tramway.)

- (a) by inserting next after paragraph (b) of the proviso to subsection one of section 20B the following new paragraphs :—
 - (b1) Section one hundred and two is amended by the omission of the words “and upon the Crown Solicitor”.
 - (b2) Section one hundred and three is amended by the omission of the words “by the Crown Solicitor he shall forward the same, together with his report thereon to the Constructing Authority, who shall thereupon” and by the substitution therefor of the words “the Constructing Authority shall”.

Sec. 24.
(Commissioners may demand tolls.)

- (b) by inserting at the end of section twenty-four the following new subsection :—

(6) Where competition with the railways exists for the carriage of passengers the Commissioner may, notwithstanding anything in this Act contained, enter into special contracts for the carriage of passengers by special trains or otherwise at tolls or charges lower than the prescribed tolls or charges.

Sec. 39.
(Commissioners' quarterly report to Minister.)

- (c) by omitting from subsection two of section thirty-nine the words “and four” and by inserting in lieu thereof the words “, four and six”;

(d)

(d) by omitting section eighty and by inserting in lieu No. 41, 1958. thereof the following section :—

Substituted
sec. 80.

80. (1) If any officer in any branch of the railway service is convicted of any felony or is sentenced to imprisonment for any term of or exceeding six months, or becomes bankrupt, or applies to take the benefit of a law for the relief of insolvent debtors, or by any deed or other writing compounds with his creditors, or makes an assignment of his salary for their benefit, the officer at the head of such branch may—

- (a) dismiss or suspend him;
- (b) reduce him in rank, position, or grade, and pay.

(2) Every such officer so dealt with shall be notified in writing of the decision dismissing or suspending him or reducing him in rank, position, or grade, and pay, and may appeal from any such decision in the manner hereinafter provided.

(3) The board constituted under section eighty-seven of this Act may, in addition to the powers conferred upon it by subsection three of section ninety-two of this Act, in the case of an officer who is dismissed under this section, determine to what extent, if any, he shall be paid the money value of any leave to which immediately before his dismissal he was entitled under subsections one and two of section 100A of this Act, and may make an order accordingly.

(e) by omitting section eighty-one;

Sec. 81.
(Powers of
Commiss-
ioners on
vacation
of offices.)

(f)

No. 41, 1958.

Sec. 93.
(Effect of
decision
of board.)

(f) by omitting subsection one of section ninety-three and by inserting in lieu thereof the following subsection :—

(1) Every decision of the board shall be final and conclusive unless by such decision—

(a) punishment is imposed involving dismissal, or reduction of rank, position, grade or pay; or

(b) the money value of the leave referred to in subsection three of section eighty of this Act is not ordered to be paid to the appellant or the money value of a part only thereof is ordered to be so paid,

in which event the appellant or person charged, as the case may require, may, within seven days after being informed of such decision, appeal from such decision to the Commissioner.

Sec. 101.
(Record of
particulars
of railway
service to
be kept.)Third
Schedule.

(g) by omitting paragraph (c) of section one hundred and one;

(h) by omitting from paragraph (b) of the Third Schedule the following matter :—

Division 7—Officers in the Refreshment Rooms section of the Secretariat.

and by inserting in lieu thereof the following matter :—

Division 7—Officers in the Secretariat.

Division 8—Officers in the Stores Branch.

Division 9—Officers in the Finance Branch.

Validation.

3. No appeal heard and determined before the commencement of this Act by a board constituted or purporting to have been constituted under section eighty-seven of the Government Railways Act, 1912, as amended by subsequent Acts, shall be deemed

deemed to have been invalidly heard and determined by **No. 41, 1958.** reason only of the fact that one of the members of the board may have been an officer included in a Division mentioned in the Third Schedule to the said Act, as so amended, other than that to which the appellant belonged.

4. The Transport Act, 1930, as amended by subsequent Amendment of Act No. 18, 1930. Acts, is amended—

(a) by omitting section one hundred and seven and by Substituted sec. 107. inserting in lieu thereof the following section :—

107. (1) If any officer in any branch of the Officers convicted of felonies, or imprisoned, etc. service of the Commissioner for Government Transport or the Commissioner for Motor Transport is convicted of any felony or is sentenced to imprisonment for any term of or exceeding six months, or becomes bankrupt, or applies to take the benefit of a law for the relief of insolvent debtors, or by any deed or other writing compounds with his creditors, or makes an assignment of his salary for their benefit, the officer at the head of such branch may—

- (a) dismiss or suspend him,
- (b) reduce him in rank position or grade and pay.

(2) Every such officer so dealt with shall be notified in writing of the decision dismissing or suspending him or reducing him in rank position or grade and pay, and may appeal from any such decision in the manner hereinafter provided.

(3) The Appeal Board constituted under section one hundred and fourteen of this Act may, in addition to the powers conferred upon it by subsection three of section 115E of this Act, in the case of an officer who is dismissed under this section, determine to what extent, if any, he shall be paid the money value of any leave to which immediately before his dismissal he was entitled under subsections one and two of section one hundred and twenty-three of this Act, and may make an order accordingly.

(b)

No: 41, 1958. (b) by omitting section one hundred and eight;

Sec. 108.

(Powers of
board on
vacation of
offices.)

Sec. 115F.
(Effect of
decision
of board.)

(c) by omitting subsection one of section 115F and by inserting in lieu thereof the following subsection:—

(1) Every decision of the board shall be final and conclusive unless by such decision—

(a) punishment is imposed involving dismissal, or reduction of rank, position, grade or pay; or

(b) the money value of the leave referred to in subsection three of section one hundred and seven of this Act is not ordered to be paid to the appellant or the money value of a part only thereof is ordered to be so paid,

in which event the appellant or person charged, as the case may require, may, within seven days after being informed of such decision, appeal from such decision to the Commissioner.