

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

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 13, 1970.

An Act to make further provisions with respect to the making of annual reports to Parliament by the Commissioner for Railways and with respect to appeals by officers under the Government Railways Act, 1912, and the Transport Act, 1930; for these and other purposes to amend those Acts; and for purposes connected therewith. [Assented to, 26th March, 1970.]

BE

Government Railways and Transport (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by **No. 13, 1970** 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. This Act may be cited as the "Government Railways and Transport (Amendment) Act, 1970". Short title.

2. (1) The Government Railways Act, 1912, is amended— Amendment of Act No. 30, 1912.

(a) (i) by inserting in subsection one of section thirty-nine after the word "Minister" the words "as to"; Sec. 39. (Commissioners' quarterly report to Minister.)

(ii) by omitting paragraphs (a) and (b) of the same subsection;

(b) by inserting in paragraph (a) of section forty after the words "preceding year." the following words:— Sec. 40. (Commissioners' annual report to Parliament.)

Such annual report shall include a statement as to the earnings from and expenditure on passenger and goods services and the general conditions of the railways and accommodation for traffic.

(c) by omitting subsection three of section seventy and by inserting in lieu thereof the following subsection:— Sec. 70. (Commissioners to appoint staff.)

(3) An officer appointed under this Act shall not unless the Commissioner otherwise approves be the holder of any office in respect of which any fee or reward is payable, engage in any paid employment, carry on any business or engage in the exercise of a profession outside the duties of his office. Any such approval may be withdrawn at any time.

Employment

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Employment shall for the purposes of this section be deemed to be paid employment if the officer though entitled to payment therefor does not accept such payment or if any honorarium or allowance is payable for the services of the officer in respect of that employment.

Any officer who contravenes any provision of this subsection shall be deemed guilty of misconduct under section eighty-two of this Act.

Sec. 86.
(Appeals concerning promotions.)

- (d) by omitting from section eighty-six the words “five thousand eight hundred dollars” and by inserting in lieu thereof the words “seven thousand dollars”;

Sec. 91.
(Times for lodging and hearing appeals.)

- (e) (i) by omitting from section ninety-one the words “fourteen days” and by inserting in lieu thereof the words “twenty-one days”;
- (ii) by inserting at the end of the same section the following proviso :—

Provided that—

- (a) where the volume of work confronting the board is such that the appeal cannot be heard conveniently within thirty days as aforesaid; or
- (b) where, owing to illness or unavailability of witnesses or members of the board, the appeal cannot be heard within thirty days as aforesaid; or
- (c) in the case of an appeal against action taken under section eighty-two or eighty-three of this Act, where criminal proceedings have been commenced against the appellant for any offence and where the issues for determination by the board and the issues required to be determined in such criminal

proceedings

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proceedings are so closely related that in the opinion of the board it is reasonable to adjourn the hearing of the appeal pending the outcome of the said criminal proceedings; or

- (d) where the parties to the proceedings before the board agree that the hearing should be adjourned,

the board may adjourn the hearing of the appeal to a date later than thirty days from the date the appeal has been lodged with the secretary under this section.

- (f) by omitting from section one hundred and ten the words “, of whom two shall be elected by the officers in the railway service, and one by the officers in the tramway service, transferred to the service of the Trust under the Transport Act, 1930, under regulations made under this Part of this Act” and by inserting in lieu thereof the words “under regulations made under this Part by contributors to the Government Railways Superannuation Account”;

- (g) by omitting section one hundred and twenty-two and by inserting in lieu thereof the following section :—

122. Where the services of an officer are terminated, otherwise than by reason of his death, or under circumstances which do not entitle him to a superannuation allowance or gratuity, he shall be entitled to a refund of the deductions made from his salary and emoluments under this Part of this Act but without any interest thereon.

- (h) by omitting section one hundred and twenty-five ;
- (i) Sec. 125.
(Where officer dismissed for misconduct.)

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Sec. 127.
(Certain determinations of board to be final.)

(i) by omitting paragraph (c) of section one hundred and twenty-seven.

(2) The amendment made by paragraph (f) of subsection one of this section shall take effect upon the expiration of the term of office of the members elected under section one hundred and ten of the Government Railways Act, 1912, and holding office immediately before the commencement of this Act.

For the purposes of the said amendment taking effect as herein provided, regulations may be made and any elections may be held before the expiration of the term of office of the aforesaid members.

Amendment of Act No. 18, 1930.

Sec. 100.
(Board to appoint staff.)

3. The Transport Act, 1930, is amended—

(a) by omitting subsection three of section one hundred and by inserting in lieu thereof the following subsection :—

(3) An officer appointed under this Act shall not unless the Commissioner otherwise approves be the holder of any office in respect of which any fee or reward is payable, engage in any paid employment, carry on any business or engage in the exercise of a profession outside the duties of his office. Any such approval may be withdrawn at any time.

Employment shall for the purposes of this section be deemed to be paid employment if the officer though entitled to payment therefor does not accept such payment or if any honorarium or allowance is payable for the services of the officer in respect of that employment.

Any officer who contravenes any provision of this subsection shall be deemed guilty of misconduct under section one hundred and nine of this Act.

(b)

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- (b) by omitting from section one hundred and thirteen the words “five thousand eight hundred dollars” and by inserting in lieu thereof the words “seven thousand dollars”; No. 13, 1970
Sec. 113.
(Appeals concerning promotions.)
- (c) (i) by omitting from section 115C the words “fourteen days” and by inserting in lieu thereof the words “twenty-one days”; Sec. 115c.
(Times for lodging and hearing appeals.)
- (ii) by inserting at the end of the same section the following proviso : —

Provided that—

- (a) where the volume of work confronting the board is such that the appeal cannot be heard conveniently within thirty days as aforesaid; or
- (b) where, owing to illness or unavailability of witnesses or members of the board, the appeal cannot be heard within thirty days as aforesaid; or
- (c) in the case of an appeal against action taken under section one hundred and nine or section one hundred and ten of this Act, where criminal proceedings have been commenced against the appellant for any offence and where the issues for determination by the board and the issues required to be determined in such criminal proceedings are so closely related that in the opinion of the board it is reasonable to adjourn the hearing of the appeal pending the outcome of the said criminal proceedings; or

(d)

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- (d) where the parties to the proceedings before the board agree that the hearing should be adjourned,

the board may adjourn the hearing of the appeal to a date later than thirty days from the date the appeal has been lodged with the secretary under this section.

Extension
of operation
of certain
amendments
made by
this Act.

4. (1) Where—

- (a) a decision referred to in section eighty-six of the Government Railways Act, 1912, was made before the commencement of this Act;
- (b) an officer who was passed over, as referred to in that section, as a result of the decision, was not, by reason of the operation of the proviso to that section, entitled to appeal under that section; and
- (c) the officer would have been entitled so to appeal had the amendment made by paragraph (d) of subsection one of section two of this Act taken effect as on and from the first day of January, one thousand nine hundred and sixty-nine,

notice in writing of the decision shall, for the purposes of sections eighty-six and ninety-one of that Act, as amended by this Act, be deemed to have been first given to the officer on the day on which this Act commences.

(2) Where—

- (a) a decision referred to in section one hundred and thirteen of the Transport Act, 1930, was made before the commencement of this Act;
- (b) an officer who was passed over, as referred to in that section, as a result of the decision, was not, by reason of the operation of the proviso to that section, entitled to appeal under that section; and
- (c)

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- (c) the officer would have been entitled so to appeal had No. 13, 1970 the amendment made by paragraph (b) of section three of this Act taken effect as on and from the first day of January, one thousand nine hundred and sixty-nine,

notice in writing of the decision shall, for the purposes of sections one hundred and thirteen and 115C of that Act, as amended by this Act, be deemed to have been first given to the officer on the day on which this Act commences.

LIQUOR