

TRANSPORT (DIVISION OF FUNCTIONS) ACT.

Act No. 31, 1932.

George V.
No. 31, 1932.

An Act to provide for the appointment of a Commissioner for Railways, a Commissioner for Road Transport and Tramways, and a Commissioner for Main Roads, and for the exercise and performance by such Commissioners of the powers, authorities, duties, and functions of the Transport Commissioners of New South Wales; to extend such powers and authorities in certain respects; to amend the Government Railways Act, 1912-1932, the Transport Act, 1930, the State Transport (Co-ordination) Act, 1931, the Ministry of Transport Act, 1932, and certain other Acts; and for purposes connected therewith. [Assented to, 19th November, 1932.]

BE 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
and
commence-
ment.

1. (1) This Act may be cited as the "Transport (Division of Functions) Act, 1932."

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

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2. In this Act, unless the context or subject-matter otherwise indicates or requires,— No. 31, 1932.
Definitions.

“Board of Commissioners” means the Transport Commissioners of New South Wales constituted under the Ministry of Transport Act, 1932.

“Chief Transport Commissioner” means the Chief Transport Commissioner appointed under the Ministry of Transport Act, 1932.

“Sydney Harbour Bridge” means the works authorised by or constructed under the authority of the Sydney Harbour Bridge Act, 1922.

“Transport Commissioner” means a transport commissioner appointed under the Ministry of Transport Act, 1932.

3. (1) For the purpose of carrying into effect the objects and purposes of this Act there shall be a Ministry of Transport under the Minister of Transport which shall be divided into departments as follows:— Ministry of
Transport.

- (a) the Department of Railways, which shall be administered by the Commissioner for Railways;
- (b) the Department of Road Transport and Tramways, which shall be administered by the Commissioner for Road Transport and Tramways;
- (c) the Department of Main Roads, which shall be administered by the Commissioner for Main Roads.

(2) Each of such departments may be divided into such branches or sections as may be determined by the Commissioner administering the same.

4. (1) The Commissioner for Railways shall be a body corporate under the name of “The Commissioner for Railways.” Commis-
sioner for
Railways.

(2) For the purposes of any Act the Commissioner for Railways shall be deemed a statutory body representing the Crown.

(3) The Commissioner for Railways shall exercise and perform the powers, authorities, duties, and functions which, immediately before the commencement of this Act, were exercised and performed by the Board of Commissioners in respect of—

(a) railways;

(b)

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(b) the maintenance of such portions of the Sydney Harbour Bridge as are used for railway purposes and of the railway tracks and appliances in connection therewith; and

(c) the electrical power substation, and the supply of electricity and appliances in connection therewith in or upon the Sydney Harbour Bridge.

(4) For the purpose of the exercise and performance of such powers, authorities, duties, and functions a reference in the Ministry of Transport Act, 1932, to the Chief Transport Commissioner, to a Transport Commissioner, or to a Commissioner, shall be deemed a reference to the Commissioner for Railways.

Commis-
sioner
for Road
Transport
and Tram-
ways.

5. (1) The Commissioner for Road Transport and Tramways shall be a body corporate under the name of "The Commissioner for Road Transport and Tramways."

(2) For the purposes of any Act the Commissioner for Road Transport and Tramways shall be deemed a statutory body representing the Crown.

(3) The Commissioner for Road Transport and Tramways shall exercise and perform the powers, authorities, duties, and functions which, immediately before the commencement of this Act, were exercised and performed by the Board of Commissioners in respect of—

(a) road transport and tramways;

(b) the maintenance of such portions of the Sydney Harbour Bridge as are used for tramway purposes and of the tramway tracks, and appliances in connection therewith.

(4) For the purpose of the exercise and performance of such powers, authorities, duties, and functions a reference in the Ministry of Transport Act, 1932, to the Chief Transport Commissioner, to a Transport Commissioner, or to a Commissioner shall be deemed a reference to the Commissioner for Road Transport and Tramways.

Commis-
sioner for
Main Roads.

6. (1) The Commissioner for Main Roads shall be a body corporate under the name of "The Commissioner for Main Roads."

(2) For the purposes of any Act the Commissioner for Main Roads shall be deemed a statutory body representing the Crown.

(3)

(3) The Commissioner for Main Roads shall exercise and perform—

- (a) the powers, authorities, duties, and functions which, immediately before the commencement of this Act, were exercised and performed by the Board of Commissioners in respect of roads;
- (b) such of the powers, authorities, duties, and functions which, immediately before the commencement of this Act, were exercised and performed by the Board of Commissioners under or pursuant to the Sydney Harbour Bridge (Administration) Act, 1932, as are not by this Act conferred or imposed upon the Commissioner for Railways or the Commissioner for Road Transport and Tramways.

(4) For the purpose of the exercise and performance of such powers, authorities, duties, and functions a reference in the Ministry of Transport Act, 1932, to the Chief Transport Commissioner, to a Transport Commissioner, or to a Commissioner, shall be deemed a reference to the Commissioner for Main Roads.

7. (1) The Commissioner for Railways, the Commissioner for Road Transport and Tramways and the Commissioner for Main Roads shall, respectively—

Appointment of Commissioners.

- (a) be appointed by the Governor;
- (b) hold office for a period of seven years;
- (c) be eligible for reappointment.

(2) The salaries of the Commissioner for Railways, the Commissioner for Road Transport and Tramways, and the Commissioner for Main Roads shall be fixed by the Governor at the time of their respective appointments, and shall be subject to any deduction provided by the Public Service Salaries Act, 1931-1932, or any Act amending, consolidating, or replacing the same, but shall not otherwise be subject to any reduction.

(3) Any such Commissioner may be paid such fees and allowances as may from time to time be fixed by the Governor.

8. (1) The Governor may appoint an Assistant Commissioner for Railways, an Assistant Commissioner for Road Transport and Tramways, and an Assistant Commissioner for Main Roads or any of them.

Appointment and powers of Assistant Commissioners.

(2)

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(2) The Assistant Commissioner for Railways, if appointed, shall exercise such powers and perform such duties as the Commissioner for Railways may from time to time determine.

(3) The Assistant Commissioner for Road Transport and Tramways, if appointed, shall exercise such powers and perform such duties as the Commissioner for Road Transport and Tramways may, from time to time, determine.

(4) The Assistant Commissioner for Main Roads, if appointed, shall exercise such powers and perform such duties as the Commissioner for Main Roads may, from time to time, determine.

(5) An Assistant Commissioner shall hold office for a period not exceeding seven years, and shall be eligible for reappointment.

(6) The salary of an Assistant Commissioner shall be fixed by the Governor and shall be subject to any deduction provided by the Public Service Salaries Act, 1931-1932, or any Act amending, consolidating, or replacing the same.

(7) Any such Assistant Commissioner may be paid such fees and allowances as may, from time to time, be fixed by the Governor.

Saving of rights.

cf. Act No. 3, 1932, s. 7 (16) (17).

9. (1) Notwithstanding anything contained in any Act, nothing in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, the Superannuation Act, 1916, the Government Railways Act, 1912, the Main Roads Act, 1924, the Transport Act, 1930, or the Ministry of Transport Act, 1932, or any Act amending those Acts to any person appointed a Commissioner, or an Assistant Commissioner under this Act, who at the time of his appointment, or at any time previously thereto, was an officer of the Public Service, the Railway Commissioners for New South Wales, the Main Roads Board of New South Wales, the Metropolitan Transport Trust, the Newcastle and District Transport Trust, or the Department of Transport.

(2) Any person appointed a Commissioner or an Assistant Commissioner under this Act who, at any time prior to his appointment, held office under the Government Railways Act, 1912, the Main Roads Act, 1924, the Transport

Transport Act, 1930, or the Ministry of Transport Act, 1932, or any Act amending those Acts, or was an officer of the Public Service, or of the Department of Transport, and was a contributor to a superannuation fund or account may continue as a contributor or resume and continue contributions to such fund or account and shall have and receive, upon his ceasing to hold office by effluxion of time, resignation, retirement, becoming incapable, or removal from office otherwise than for misbehaviour or incompetence, any payment, pension, or gratuity as if he were an officer within the meaning of the Act under which the fund or account to which his contributions have been made is administered.

For such purpose his service in any office under any Act, and his service as a Commissioner or Assistant Commissioner under this Act, shall be deemed to be service for the purposes of such Act.

(3) If any such Commissioner or Assistant Commissioner shall die during the currency of his term of office, any pension, payment, or gratuity shall become payable or shall be made or granted, as in the case of the death of an officer or employee within the meaning of such Act.

(4) Any such Commissioner or Assistant Commissioner, who ceases to hold office by effluxion of time or who is removed from office otherwise than for misbehaviour or incompetence, and who is not appointed to an office of the same kind carrying superannuation rights shall, for the purpose of computing the amount of any payment, pension, or gratuity, be deemed to have retired upon the day upon which he so ceases to hold office, or is removed from office, as the case may be, and to have so retired at an age at which the payment, pension, or gratuity would have become payable in pursuance of the Act under which the fund or account to which his contributions have been made, is administered.

(5) Any officer of the Public Service, or of the Department of Transport, appointed a Commissioner or an Assistant Commissioner under this Act, shall continue to contribute to any fund or account, and shall be entitled to receive any deferred or extended leave, and any payment, pension, or gratuity, as if he were an officer or employee within the meaning of the Public Service Act, 1902,

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1902, the Superannuation Act, 1916, the Government Railways Act, 1912, the Main Roads Act, 1924, or the Transport Act, 1930, or any Act amending those Acts, as the case may be, and for such purposes his service as a Commissioner, or as an Assistant Commissioner shall be deemed to be service for the purposes of such Acts.

Public Service Act, 1902, not to apply to certain appointments.

10. The provisions of the Public Service Act, 1902, shall not apply to the appointment of a Commissioner or an Assistant Commissioner.

Suspension or removal from office.

11. A Commissioner or an Assistant Commissioner holding office under this Act may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided:—

(a) The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven sitting days after such suspension if Parliament is then in session, and if not, then within seven sitting days after the commencement of the next session.

(b) A Commissioner or an Assistant Commissioner suspended under this section shall be restored to office unless each House of Parliament, within twenty-one days from the time when such statement has been laid before it, declares by resolution that the Commissioner or Assistant Commissioner, as the case may be, ought to be removed from office, and if each House of Parliament within the said time does so declare, such Commissioner or Assistant Commissioner shall be removed by the Governor accordingly.

Vacation of office. cf. Act No. 3, 1932, s. 7 (14).

12. A Commissioner or an Assistant Commissioner shall be deemed to have vacated his office if he—

(a) engages in New South Wales, during his term of office, in any paid employment outside the duties of his office except with the approval of the Governor;

(b) becomes bankrupt, compounds with his creditors, or makes an assignment of his salary for their benefit;

(c) absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Governor;

(d)

- (d) becomes incapable of performing his duties;
- (e) resigns his office by writing under his hand;
- (f) becomes in any way concerned or interested otherwise than as a shareholder in an incorporated company consisting of more than twenty-five persons, in any contract or agreement made by or on behalf of any of the Commissioners holding office under this Act, or in any wise participates or claims to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom.

13. (1) In case of the illness, suspension, or absence of a Commissioner or an Assistant Commissioner appointed under this Act, the Governor may appoint a person to be the deputy of such Commissioner, or Assistant Commissioner, for the period of his illness, suspension, or absence, and any person so appointed shall, whilst so acting, exercise all the powers and perform all the duties of such Commissioner or Assistant Commissioner, as the case may be. Appointment of deputy.

(2) In case of the illness, suspension, or absence of a person appointed to be the deputy of a Commissioner or Assistant Commissioner for the balance of the terminate his appointment as such deputy and appoint some other person to be the deputy of such Commissioner or Assistant Commissioner for the balance of the period of the illness, suspension, or absence of the Commissioner or Assistant Commissioner, and such other person, whilst so acting, shall exercise all the powers and perform all the duties of such Commissioner or Assistant Commissioner, as the case may be.

(3) Where an Assistant Commissioner is appointed in pursuance of this section to be the deputy of a Commissioner the Governor may appoint a person to be the deputy of such Assistant Commissioner whilst so acting, and any person so appointed shall, whilst acting as such deputy, exercise all the powers and perform all the duties of such Assistant Commissioner.

14. (1) Upon the commencement of this Act the Board of Commissioners shall cease to function, and the powers, authorities, duties, and functions, including the power to recommend or concur in the making of regulations or ordinances Transfer of functions.

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ordinances conferred or imposed upon such Board of Commissioners by or under any Act, shall be executed and performed by the respective Commissioners appointed under this Act.

(2) Upon such commencement the Chief Transport Commissioner and the Transport Commissioners shall cease to hold office.

(3) The Chief Transport Commissioner and the Transport Commissioners shall be eligible for appointment to an office constituted under this Act or for appointment as an officer of one of the departments of the Ministry of Transport.

(4) If the Chief Transport Commissioner, or any Transport Commissioner, is not so appointed he shall receive such compensation as he would have been entitled to had his services been dispensed with otherwise than according to law, and shall be entitled to any superannuation rights he would have had if his services had been dispensed with by reason that his office had been abolished.

Savings.

15. (1) Where any matter or thing has been commenced by or under the authority of the Board of Commissioners, it may be carried on and completed by or under the authority of the Commissioner appointed under this Act to exercise and perform the power, authority, duty, or function under or in respect of which such matter or thing was so commenced.

(2) Any action or proceeding, or any cause of action or proceeding pending or existing immediately before the commencement of this Act by or against the Board of Commissioners may be continued by or against the Commissioner appointed under this Act to exercise and perform the power, authority, duty, or function under or in respect of which such action or proceeding or cause of action or proceeding arose.

Where any person has, before the commencement of this Act, served a notice of intended action against the Board of Commissioners, and has commenced an action or proceeding against the Board of Commissioners, or proposes to commence an action or proceeding against a Commissioner appointed under this Act he may, if any doubt should arise as to the Commissioner against whom he should continue or commence the action or proceeding
by

by notice in writing, require the Minister to nominate the Commissioner appointed under this Act against whom such action or proceeding shall be continued or commenced; and any such action or proceeding may be continued or commenced, as the case may be, and completed against the Commissioner nominated by the Minister.

Where, after the commencement of this Act, any person proposes to commence an action or proceeding against a Commissioner appointed under this Act, he may, if any doubt should arise as to the Commissioner against whom he should continue or commence the action or proceeding, either before or after the date upon which he serves notice of intended action, by notice in writing, require the Minister to nominate the Commissioner appointed under this Act against whom the action or proceeding should be commenced; and such action or proceeding may be commenced and completed against the Commissioner nominated by the Minister.

(3) All moneys and liquidated or unliquidated claims which immediately before the commencement of this Act are payable to or recoverable by the Board of Commissioners shall be moneys and liquidated or unliquidated claims payable to or recoverable by the Commissioner appointed under this Act to exercise and perform the power, authority, duty, or function under or in respect of which such money or claim is so payable or recoverable.

(4) All contracts, agreements, and undertakings entered into with, and all securities lawfully given to or by the Board of Commissioners and in force immediately before the commencement of this Act, shall be deemed to be contracts, agreements, and undertakings entered into with and securities given to or by the Commissioner appointed under this Act to exercise and perform the power, authority, duty, or function under or in respect of which such securities, agreements, and undertakings were so entered into or given.

(5) Each such Commissioner may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits, actions, and proceedings as the Board of Commissioners might have done but for this Act.

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(6) Each such Commissioner may enforce and realise any security or charge existing immediately before the commencement of this Act in respect of any such moneys and claims as if such security or charge were existing in favour of such Commissioner.

(7) All debts due and moneys payable by and all claims liquidated and unliquidated recoverable against the Board of Commissioners shall be debts due and moneys payable by and claims recoverable against the Commissioner appointed under this Act to exercise and perform the power, authority, duty, or function under or in respect of which such debt became due, such money became payable, or such claim became recoverable.

(8) (a) All by-laws, regulations, and ordinances made under or by virtue of the Government Railways Act, 1912, the Main Roads Act, 1924, the Motor Tax Management Act, 1914, the Metropolitan Traffic Act, 1900, the Motor Traffic Act, 1909, the Transport Act, 1930, or the State Transport (Co-ordination) Act, 1931, or any Act amending those Acts, and in force at the commencement of this Act, shall, so far as they are not inconsistent with this Act, continue in force until repealed or replaced by subsequent by-laws, regulations, or ordinances as the case may be.

(b) Any repeal of the by-laws, regulations, or ordinances continued by this section shall not affect any proceedings pending for the breach of any such by-laws, regulations, or ordinances, and such by-laws, regulations, or ordinances shall, for the purposes of any prosecution in respect of any breach occurring before the date of such repeal be deemed to continue and to have full force and effect.

Funds.

16. The funds vested in and administered by the Board of Commissioners, and the funds administered by the Board of Commissioners, shall be vested in and administered by, or administered by, as the case may be, the respective Commissioners appointed under this Act to exercise and perform the powers, authorities, duties, and functions under or in respect of which such funds were so vested in and administered by, or administered by, as the case may be, the Board of Commissioners.

17.

17. (1) All lands, leases, licenses, rights, easements, user facilities, and all other property of whatever description, held or possessed, immediately before the commencement of this Act, by the Board of Commissioners shall be transferred to and vested in the respective Commissioners appointed under this Act to exercise and perform the powers, authorities, duties, and functions under or in respect of which such property was held or possessed by the Board of Commissioners.

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Vesting of
lands, etc.

(2) The Commissioner appointed under this Act in whom any such property is vested shall assume such of the liabilities and obligations of the Board of Commissioners as were incurred in respect of the property so vested.

(3) No attornment by a lessee of any land transferred to a Commissioner under this section shall be necessary.

18. Each of the Commissioners appointed under this Act shall assume such part of the capital indebtedness to the State of the Board of Commissioners as was assumed by the Board of Commissioners and was subsisting immediately before the commencement of this Act in respect of the powers, authorities, duties, and functions which by this Act such Commissioner is required or authorised to exercise and perform.

Capital
indebted-
ness.

19. If any doubt or dispute arises as to which of the Commissioners appointed under this Act is to exercise and perform any power, authority, duty, or function which, before the commencement of this Act, was exercised and performed by the Board of Commissioners, or if any dispute arises between the Commissioners appointed under this Act, out of the exercise or performance of any such power, authority, duty, or function, or as to their respective rights or liabilities, any such Commissioner may refer the matter to the Minister.

Disputes.
cf. Act No.
18, 1930,
s. 210.

Where any such matter is so referred it shall be determined by the Governor, or in such manner as the Governor directs.

20. In the construction, and for the purposes of any Act, by-law, regulation, ordinance, or any other instrument or document whatsoever, of the same or a different kind or nature, any reference to, or to be read, deemed, and

Construction
of Acts, etc.

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and taken to refer to the Board of Commissioners shall be read, deemed, and taken to refer to the Commissioner appointed under this Act to exercise and perform the power, authority, duty, or function of the Board of Commissioners to which such reference applies.

Officers and employees.

21. (1) The officers (other than the Transport Commissioners) and employees of the Department of Transport who, immediately before the commencement of this Act, were employed in that Department in connection with the administration of any power, authority, duty, or function of the Board of Commissioners which, by this Act, is required or permitted to be exercised and performed by the Commissioner for Railways shall become and be officers and employees of the Department of Railways.

(2) The officers (other than the Transport Commissioners) and employees of the Department of Transport who, immediately before the commencement of this Act, were employed in that department in connection with the administration of any power, authority, duty, or function of the Board of Commissioners which, by this Act, is required or permitted to be exercised and performed by the Commissioner for Road Transport and Tramways, shall become and be officers and employees of the Department of Road Transport and Tramways.

(3) The officers (other than the Transport Commissioners) and employees of the Department of Transport who, immediately before the commencement of this Act, were employed in that department in connection with the administration of any power, authority, duty, or function which, by this Act, is required or permitted to be exercised and performed by the Commissioner for Main Roads, shall become and be officers and employees of the Department of Main Roads.

(4) Any such officer or employee shall continue to contribute to any fund or account and shall be entitled to receive any annual, sick, deferred, or extended leave, and any payment, pension, or gratuity, as if he had remained an officer or employee within the meaning of the Public Service Act, 1902, the Superannuation Act, 1916, the Government Railways Act, 1912, the Transport Act, 1930, the Main Roads Act, 1924, or the Ministry of Transport Act,

Act, 1932, or any Act amending those Acts, as the case may be, and for any such purposes his service under this Act shall be deemed to be service for the purposes of any of such first-mentioned Acts.

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(5) Where any condition of employment of any such officer or employee is at the date of his transfer regulated by an award or industrial agreement, such condition shall continue to be so regulated until an award by which the Commissioner administering the department to which he has been transferred is bound is made by a court of competent jurisdiction, or such condition is regulated by an industrial agreement to which such Commissioner is a party.

22. (1) The Public Service Act, 1902, as amended by subsequent Acts, shall not apply to the appointment or employment of any officer or employee of the Department of Railways, the Department of Road Transport and Tramways, or the Department of Main Roads.

Public Service Act, 1902, not to apply to employment of officers or employees.

(2) Where, immediately before the commencement of this Act, the employment of any such officer was regulated by the Public Service Act, 1902, such officer shall have the same right to consideration for any appointment in the Public Service as is provided by the Public Service Act, 1902, for an officer of the Public Service.

23. (1) Any Commissioner appointed under this Act may by arrangement with any other Commissioner appointed under this Act—

Transfer of officers between departments.

(a) transfer to the department administered by such first-mentioned Commissioner any officer or employee of the department administered by such other Commissioner;

(b) make use of the services of any officer or employee of the department administered by such other Commissioner.

(2) The provisions of subsections four and five of section twenty-one of this Act shall, mutatis mutandis, apply to and in respect of any officer or employee so transferred.

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Commissioner in
respect of
officers and
employees.

24. (1) A Commissioner appointed under this Act may reduce any officer or employee of the Department administered by him in all or any of the following respects, that is to say, in rank, position, grade and pay.

Where the conditions of employment of any officer or employee are regulated by an award or industrial agreement, his pay shall not be reduced unless he is also reduced in rank, position or grade, and where he is reduced in rank, position or grade his pay shall not be reduced below the highest rate prescribed by the award or industrial agreement for the rank, position or grade to which he is reduced.

(2) A Commissioner appointed under this Act may, if he thinks it requisite for the efficiency of the Department administered by him, disregard seniority in making any appointment, promotion, reduction or retrenchment.

Special
powers of
Commissioner for
Railways.

25. The Commissioner for Railways may in respect of the parcels of land in the City of Sydney between George-street and Wynyard-lane, and Wynyard-lane and Carrington-street, respectively, which were resumed for the purposes of the construction of and provision of access to Wynyard Railway Station, permit the erection, making, or construction of a building or part of a building across or under Wynyard-lane, but any such building shall be so constructed as to leave a clear space of not less than twenty feet above the surface of the roadway of such lane when it is restored, and as not to impede or restrict pedestrian or vehicular traffic in and along such lane.

Amendment of
Act No. 30,
1912.

26. (1) The Government Railways Act, 1912-1932, is amended—

Section 41J.
(Capital
Debts Com-
mittee of
Review.)

(a) by omitting from subsection one of section 41J the words “the Chief Transport Commissioner” and by inserting in lieu thereof the words “the Commissioner for Railways”;

Sec. 107A.
(Enforce-
ment of
judgments.)

(b) by omitting from subsection three of section 107A the words “four pounds per week” and by inserting in lieu thereof the words “a sum per week equivalent to the amount of the declared adult male or adult female living wage in force for the time being less five shillings”;

(c)

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- (c) (i) by omitting from section one hundred and ten the words "Transport Commissioner appointed to the charge of the Staff Branch of the Department of Transport" and by inserting in lieu thereof the words "Commissioner for Railways";
- (ii) by omitting from the same section the words "Transport Commissioner" and by inserting in lieu thereof the words "Commissioner for Railways";
- (iii) by omitting from the same section the words "an officer of the Staff Branch of the Department of Transport" and by inserting in lieu thereof the words "an officer of the Department of Railways."

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Sec. 110.
(Railways
Superannua-
tion Board.)

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

Amend-
ment of Act
No. 18, 1930.

- (a) by omitting subsection eight of section eighteen and by inserting in lieu thereof the following subsection:—

Sec. 18.
(Appoint-
ment of
officers.)

(8) Any officer of the Commissioner for Road Transport and Tramways who at any time prior to the passing of the Principal Act was an officer of the public service under the Public Service Board, and who was transferred from the public service to the service of the Commissioner of Road Transport, a Transport Trust, or the Management Board, or who was an officer of the Main Roads Board, and immediately before the commencement of this Act was an officer of the Highway and Roads Transportation Branch of the Department of Transport, or subsequently to such commencement becomes an officer of the Road Transport and Tramways Department of the Ministry of Transport, shall not be subject to the provisions of the Public Service Act, 1902, nor under the control of the Public Service Board, but he shall retain or have any rights to leave which he would have had if he had continued as an officer of the public service; he shall have the same right to consideration for any appointment to the public service

as

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as is provided by the Public Service Act, 1902, for an officer of the public service; he shall, subject to this Act, be entitled to a salary unless and until his salary is fixed by an industrial award such as would be payable to him if he were an officer of the public service, and he shall be entitled to contribute or to continue to contribute to any superannuation fund or account to which prior to his transfer he contributed, and to retain or have his rights to any pension, gratuity, allowance, or other benefit which he would have received from such superannuation fund or account if he had continued as an officer of the public service. For the purposes of leave and superannuation service under the Transport Act, 1930, the Ministry of Transport Act, 1932, or this Act shall be regarded as service in the public service.

Sec. 41.
(Capital Debts Committee of Review.)

(b) by omitting paragraphs (b) and (c) of subsection one of section forty-one and by inserting in lieu thereof the following paragraph:—

(b) the Commissioner for Road Transport and Tramways.

Amendment of Act No. 32, 1931.

(3) The State Transport (Co-ordination) Act, 1931, is amended—

Sec. 7.
(Control by Minister of certain authorities.)

(a) by omitting section seven;

Sec. 9.
(Minister's directions to be complied with.)

(b) by omitting section nine.

Amendment of Act No. 2, 1932.

(4) The Ministry of Transport Act, 1932, is amended—

Sec. 5 (3).
(Department of Transport.)

(a) by omitting subsection three of section five;

Sec. 6.
(Department of Transport.)

(b) by omitting subsection two and subsection three of section six;

Sec. 7.
(Board of Commissioners)

(c) by omitting from subsection five of section seven the words "subject to the control of the Minister";

Sec. 8.
(Secretary.)

(d) by omitting section eight;

(e)

- (e) by omitting from subsection one of section fifteen the words "and the Main Roads Board of New South Wales" and by inserting in lieu thereof the words "the Main Roads Board of New South Wales and the State Transport (Coordination) Board"; No. 31, 1932.
Sec. 15.
(Vesting of lands, etc.)
- (f) by omitting paragraph (c) and paragraph (d) of subsection one of section twenty-one. Sec. 21.
(Revision.)

(5) The amendment made by paragraph (e) of subsection four of this section shall be deemed to have commenced on the twenty-second day of March, one thousand nine hundred and thirty-two.
