

**TRANSPORT (DIVISION OF FUNCTIONS)
FURTHER AMENDMENT ACT.**

Act No. 24, 1952.

**Elizabeth II,
No. 24, 1952.**

An Act to make further provision as to transport; to amend the Transport (Division of Functions) Amendment Act, 1952, the Transport and Highways Act, 1950-1952, and certain other Acts in certain respects; to validate certain matters; and for purposes connected therewith. [Assented to, 13th October, 1952.]

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:—

**Short title
and com-
mencement.**

1. (1) This Act may be cited as the "Transport (Division of Functions) Further Amendment Act, 1952."

(2) This Act shall, except where otherwise expressly provided, commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3)

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(3) This Act shall be read and construed with the Transport (Division of Functions) Amendment Act, 1952, hereinafter referred to as the Principal Act. No. 24, 1952.

2. (1) The Transport and Highways Act, 1950, is amended by omitting sections two, three, four, five, six, seven, eight, nine, ten, eleven, fourteen and fifteen. Repeals.
Act No. 10,
1950, ss. 2-
11, 14 and
15.

(2) The Principal Act is amended by omitting section twenty-four. Act No. 15,
1952, s. 24.

(3) This section shall be deemed to have commenced upon the first day of September, one thousand nine hundred and fifty-two. Commence-
ment of
section.

3. (1) There shall be a Superintendent of Motor Transport who shall be appointed by the Governor. Superin-
tendent of
Motor
Transport.

(2) The Superintendent of Motor Transport shall—

- (a) hold office at the will of the Governor;
- (b) receive such salary, travelling expenses and allowances as may from time to time be fixed by the Governor.

(3) The provisions of the Public Service Act, 1902, shall not apply to the appointment of the Superintendent of Motor Transport.

(4) (a) The provisions of section six of the Principal Act shall apply, mutatis mutandis, to any person appointed Superintendent of Motor Transport who, immediately prior thereto, was an officer or employee of any of the Departments into which the Ministry of Transport is divided under the Transport (Division of Functions) Act, 1932, as amended by subsequent Acts.

(b) Any such person shall, if he ceases to hold office as Superintendent of Motor Transport from any cause whatsoever otherwise than for misbehaviour or incompetence or in the event of such office being discontinued or abolished, be entitled, if he is under the age of sixty years, to be appointed as an officer or employee of any such Department with a classification and salary not lower than that which he held immediately before his appointment as Superintendent of Motor Transport.

(5)

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(5) (a) In case of the illness, suspension or absence of the Superintendent of Motor Transport the Governor may appoint a person to be the deputy of such Superintendent 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 Superintendent.

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

Alteration
of names of
certain
transport
authorities.

4. (1) The names of the Department of Transport and Highways and the Department of Government Tram and Omnibus Services into which the Department of Road Transport and Tramways was divided by subsection one of section two of the Principal Act, and the Commissioner for Government Tram and Omnibus Services shall, as from the commencement of this Act, be altered to the Department of Motor Transport, the Department of Government Transport and the Commissioner for Government Transport, respectively.

(2) As from the commencement of this Act, 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 taken to refer to—

- (a) the Department of Transport and Highways shall be read, deemed and taken to refer to the Department of Motor Transport;
- (b) the Director of Transport and Highways shall be read, deemed and taken to refer to the Superintendent of Motor Transport;
- (c) the Department of Government Tram and Omnibus Services shall be read, deemed and taken to refer to the Department of Government Transport; and
- (d)

- (d) the Commissioner for Government Tram and Omnibus Services shall be read, deemed and taken to refer to the Commissioner for Government Transport. **No. 24, 1952.**

5. During the period commencing upon the first day of September, one thousand nine hundred and fifty-two, and ending immediately before the commencement of this Act—

Exercise by Minister of powers, etc. conferred by sec. 3 of Act No. 15, 1952, validated.

- (a) the exercise and performance by the Minister of the powers, authorities, duties and functions conferred and imposed by the Principal Act upon the body corporate constituted under section three of the Principal Act, and the administration by the Minister of the Department of Transport and Highways are hereby validated;
- (b) the Minister shall for all purposes be deemed to have been the body corporate constituted under the said section three; and
- (c) nothing shall be deemed to have prejudiced or affected in any way the continuity of the body corporate constituted under the said section three.

6. (1) (a) The body corporate referred to in section five of this Act shall, as from the commencement of this Act—

Reconstitution and re-naming of certain bodies corporate.

- (i) be reconstituted; and
- (ii) consist of the Superintendent of Motor Transport; and
- (iii) be known as The Superintendent of Motor Transport.

(b) As from the commencement of this Act the name of the body corporate constituted by section four of the Principal Act, shall be "The Commissioner for Government Transport".

(2) As from the commencement of this Act, in the construction, and for the purposes of any Act (subsection one of section five of the Principal Act excepted), by-law, regulation,

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No. 24, 1952. regulation, ordinance or any other instrument whatsoever of the same or a different kind or nature, any reference to, or to be read, deemed and taken to refer to—

(a) The Director of Transport and Highways shall be read, deemed and taken to refer to The Superintendent of Motor Transport;

(b) The Commissioner for Government Tram and Omnibus Services shall be read, deemed and taken to refer to The Commissioner for Government Transport.

(3) Nothing contained in this section shall prejudice or affect in any way the continuity of the body corporate referred to in section five of this Act or of the body corporate constituted by section four of the Principal Act, but the same shall continue notwithstanding the provisions of this section.

(4) The reconstitution and alteration of name of the body corporate referred to in section five of this Act or the alteration of name of the body corporate constituted by section four of the Principal Act, effected by subsection one of this section shall not affect any property, powers, rights, authorities, duties, functions, liabilities or obligations of the body corporate referred to in section five of this Act or of the body corporate constituted by section four of the Principal Act, or render defective any legal or other proceedings instituted or to be instituted by or against either of the said bodies corporate.

Any legal or other proceedings may be continued or commenced by or against the body corporate by the name of The Superintendent of Motor Transport or The Commissioner for Government Transport that might have been continued or commenced by or against the body corporate by the name of The Director of Transport and Highways or The Commissioner for Government Tram and Omnibus Services, as the case may be.

Amendment
of Act No.
82, 1981.
Sec. 22.
(Permits to
use vehicles
for carriage
of
passengers.)

7. (1) The State Transport (Co-ordination) Act, 1931-1951, is amended by inserting in subsection one of section twenty-two after the word "persons" the words "or goods".

(2)

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(2) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts and by this Act, may be cited as the State Transport (Co-ordination) Act, 1931-1952. **No. 24, 1952.**

8. (1) The Sydney Harbour Transport Act, 1951, is amended— **Amendment of Act No. 11, 1951.**

(a) by omitting from paragraph (a) of subsection two of section four the words "Director of Transport and Highways" and by inserting in lieu thereof the words "Commissioner for Government Transport"; **Sec. 4. (Constitution of Board.)**

(b) by omitting from subsection three of the same section the words "The Director of Transport and Highways" and by inserting in lieu thereof the words "The Commissioner for Government Transport".

(2) The Sydney Harbour Transport Act, 1951, as amended by this Act, may be cited as the Sydney Harbour Transport Act, 1951-1952.

9. (1) The Minister may, where in his opinion it is necessary or desirable in the public interest, refer any matter or thing affecting any of the Departments into which the Ministry of Transport is divided under the Transport (Division of Functions) Act, 1932, as amended by subsequent Acts, or the administration of any of such Departments, to the Public Service Board constituted under the Public Service Act, 1902, as amended by subsequent Acts, for inquiry or investigation and such Board shall thereupon conduct such inquiry or investigation and furnish a report thereon to the Minister. **Inquiries by Public Service Board on reference by Minister.**

(2) For the purpose of the conduct of any such inquiry or investigation the Public Service Board shall have the same powers, including the power of delegation, as are vested in it under the Public Service Act, 1902, as amended by subsequent Acts, in relation to an inquiry or investigation under that Act, as so amended.

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