

New South Wales.



ANNO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 15, 1952.

An Act to provide for the appointment of a Commissioner for Government Tram and Omnibus Services; to provide for the exercise and discharge by such Commissioner of certain of the powers, authorities, duties and functions which were formerly exercised and discharged by The Commissioner for Road Transport and Tramways; to transfer the other powers, authorities, duties and functions which were formerly exercised and discharged by The Commissioner for Road Transport and Tramways to the Director of Transport and Highways, and to provide for their exercise and discharge by the Director of Transport and Highways; for these and other purposes to amend the Transport and Highways Act, 1950, the Transport Act, 1930, and certain other Acts; and for purposes connected therewith. [Assented to, 17th April 1952.]

Transport (Division of Functions) Amendment.

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
commence-
ment.

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

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

Division of
Department
of Road
Transport
and
Tramways.

2. (1) The Department of Road Transport and Tramways is hereby divided into two departments as follows:—

(a) the Department of Transport and Highways, which shall be administered by The Director of Transport and Highways; and

(b) the Department of Government Tram and Omnibus Services, which shall be administered by The Commissioner for Government Tram and Omnibus Services.

(2) (a) The Department of Transport and Highways may be divided into such branches or sections as may be determined by The Director of Transport and Highways.

(b) The Department of Government Tram and Omnibus Services may be divided into such branches or sections as may be determined by The Commissioner for Government Tram and Omnibus Services.

Director of
Transport
and
Highways.

3. (1) For the purpose of the exercise and performance of the powers, authorities, duties and functions conferred and imposed upon him by this Act, and of the administration of the Department of Transport and Highways, the Director of Transport and Highways shall be a body corporate under the name of "The Director of Transport and Highways."

(2) For the purposes of any Act, the corporation constituted under subsection one of this section shall be deemed a statutory body representing the Crown.

(3)

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(3) The Director of Transport and Highways shall exercise and perform the powers, authorities, duties and functions which, immediately before the commencement of this Act, were exercised and performed by The Commissioner for Road Transport and Tramways other than the powers, authorities, duties and functions conferred and imposed upon The Commissioner for Government Tram and Omnibus Services by or under subsection three of section four of this Act.

(4) In the exercise and performance of the powers, authorities, duties and functions conferred and imposed upon The Director of Transport and Highways by or under this or any other Act such Director shall be subject to the direction and control of the Minister.

4. (1) For the purpose of the exercise and performance of the powers, authorities, duties and functions conferred and imposed upon him by this Act, and of the administration of the Department of Government Tram and Omnibus Services, the Commissioner for Government Tram and Omnibus Services shall be a body corporate under the name of "The Commissioner for Government Tram and Omnibus Services."

(2) For the purposes of any Act, the corporation constituted under subsection one of this section shall be deemed a statutory body representing the Crown.

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

(a) motor omnibuses and motor omnibus services other than—

(i) privately-owned motor omnibuses and motor omnibus services; and

(ii) without limiting the generality of subparagraph (i) of this paragraph, the registration of motor omnibuses, other than

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than privately-owned omnibuses, and the licensing of the drivers and conductors thereof;

(b) tramways; and

(c) 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) In the exercise and performance of the powers, authorities, duties and functions conferred and imposed upon The Commissioner for Government Tram and Omnibus Services by or under this or any other Act, such Commissioner shall be subject to the direction and control of the Minister.

Offices of
Director of
Transport
and
Highways
and
Commis-
sioner for
Government
Tram and
Omnibus
Services.

5. (1) The person for the time being holding the office of Director of Transport and Highways under the Transport and Highways Act, 1950, shall be the Director of Transport and Highways under this Act.

(2) The Commissioner for Government Tram and Omnibus Services shall be appointed by the Governor, shall, subject to this Act, hold office for a term of seven years and shall be eligible for reappointment.

(3) The person who immediately before the commencement of this Act held the office of Commissioner for Road Transport and Tramways shall, as from such commencement, be deemed to have been appointed under subsection two of this section as Commissioner for Government Tram and Omnibus Services but shall hold office for the balance of the term for which he was appointed Commissioner for Road Transport and Tramways and shall continue to receive salary at a rate not less than the rate at which salary was payable to him immediately before the commencement of this Act.

(4) The salary of the Commissioner for Government Tram and Omnibus Services shall be fixed by the Governor at the time of his appointment and shall not be reduced during his term of office.

(5)

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(5) The Director of Transport and Highways and the Commissioner for Government Tram and Omnibus Services shall be paid such fees and allowances as may from time to time be fixed by the Governor.

6. (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, the Ministry of Transport Act, 1932, the Transport (Division of Functions) Act, 1932, or the Transport and Highways Act, 1950, or any Act amending those Acts to any person appointed as Commissioner for Government Tram and Omnibus Services under this Act, who at the time of his appointment, or at any time previously thereto, was an officer of the Public Service, the Department of Railways, the Department of Road Transport and Tramways, the Department of Main Roads, the Department of Transport and Highways or the Department of Government Tram and Omnibus Services.

Savings of rights.
cf. Act No. 31, 1932, s. 9.

(2) Any person appointed as Commissioner for Government Tram and Omnibus Services 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 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

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For such purpose his service in any office under any Act, and his service as Commissioner for Government Tram and Omnibus Services under this Act, shall be deemed to be service for the purposes of such Act.

(3) If such 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 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 Railways, the Department of Main Roads, the Department of Transport and Highways or the Department of Government Tram and Omnibus Services, appointed as Commissioner for Government Tram and Omnibus Services 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, 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 Commissioner for Government Tram and Omnibus Services shall be deemed to be service for the purposes of such Acts.

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7. The provisions of the Public Service Act, 1902, shall not apply to the appointment of a Commissioner for Government Tram and Omnibus Services.

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

8. The Commissioner for Government Tram and Omnibus Services may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided:—

Suspension or removal from office.

- (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) The Commissioner for Government Tram and Omnibus Services 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 such Commissioner ought to be removed from office, and if each House of Parliament within the said time does so declare, such Commissioner shall be removed by the Governor accordingly.

9. The Commissioner for Government Tram and Omnibus Services shall be deemed to have vacated his office if he—

Vacation of office.

- (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)

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- (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 the Transport (Division of Functions) Act, 1932, as amended by subsequent Acts, or The Director of Transport and Highways or The Commissioner for Government Tram and Omnibus Services, or in any wise participates or claims to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom.

Appoint-
ment of
deputy.

10. (1) In case of the illness, suspension, or absence of the Commissioner for Government Tram and Omnibus Services appointed under this Act, the Governor may appoint a person to be the deputy of such 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.

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

Transfer
of
functions.

11. (1) Upon the commencement of this Act, The Commissioner for Road Transport and Tramways shall cease to function, and the powers, authorities, duties and functions, including the power to recommend or concur in the making of regulations, conferred or imposed upon The Commissioner for Road Transport and Tramways by

or

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or under any Act shall be exercised and performed by The Director of Transport and Highways and The Commissioner for Government Tram and Omnibus Services under and in accordance with the provisions of this Act.

(2) Upon such commencement the Commissioner for Road Transport and Tramways shall cease to hold office.

12. (1) Where any matter or thing has been commenced by or under the authority of The Commissioner for Road Transport and Tramways it may be carried on and completed by or under the authority of the body corporate constituted 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. Savings.

(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 Commissioner for Road Transport and Tramways may be continued by or against the body corporate constituted 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.

(3) All moneys and liquidated or unliquidated claims which immediately before the commencement of this Act are payable to or recoverable by The Commissioner for Road Transport and Tramways shall be moneys and liquidated or unliquidated claims payable to or recoverable by the body corporate constituted 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 Commissioner for Road Transport and Tramways 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

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given to or by the body corporate constituted 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 body corporate 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 Commissioner for Road Transport and Tramways might have done but for this Act.

(6) Each such body corporate 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 body corporate.

(7) All debts due and moneys payable by and all claims liquidated and unliquidated recoverable against The Commissioner for Road Transport and Tramways shall be debts due and moneys payable by and claims recoverable against the body corporate constituted 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 Metropolitan Traffic Act, 1900, the Motor Traffic Act, 1909, the Transport Act, 1930, the State Transport (Co-ordination) Act, 1931, the Motor Tax Management Act, 1914, or the Motor Vehicles Taxation Management Act, 1949, 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)

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(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.

13. The funds vested in and administered by The Commissioner for Road Transport and Tramways, and the funds administered by that Commissioner, shall be vested in and administered by, or administered by, as the case may be, the respective bodies corporate constituted 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 Commissioner for Road Transport and Tramways.

14. (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 Commissioner for Road Transport and Tramways shall, subject to subsection two of this section, be transferred to and vested in the respective bodies corporate constituted 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 Commissioner for Road Transport and Tramways.

(2) (a) Any right title and interest of The Commissioner for Road Transport and Tramways in the land on which the administrative building known as 99 Macquarie-street, Sydney, is erected and in the vacant land adjoining that building, shall vest in The Commissioner for Government Tram and Omnibus Services.

(b)

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(b) Where any part of the property referred to in this subsection is used or occupied by the Department of Transport and Highways, The Director of Transport and Highways shall pay to The Commissioner for Government Tram and Omnibus Services such sum or sums as the Minister may determine and such Commissioner shall allocate and apply the sum or sums so paid in such manner as the Minister may determine.

(3) The body corporate constituted under this Act in whom any such property is vested shall assume such of the liabilities and obligations of The Commissioner for Road Transport and Tramways as were incurred in respect of the property so vested.

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

**Capital
indebt-
edness.**

15. The Commissioner for Government Tram and Omnibus Services shall assume the capital indebtedness to the State of The Commissioner for Road Transport and Tramways as subsisting immediately before the commencement of this Act.

Disputes.

16. If any doubt or dispute arises as to which of the bodies corporate constituted 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 Commissioner for Road Transport and Tramways or if any dispute arises between such bodies corporate out of the exercise or performance of any such power, authority, duty, or function, or as to their respective rights or liabilities, any such body corporate may refer the matter to the Minister.

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

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17. (1) 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 The Commissioner for Road Transport and Tramways shall be read, deemed and taken to refer to—

Construction of Acts, etc.

- (a) The Director of Transport and Highways—where, and in so far as, such Act, by-law, regulation, ordinance, instrument or document relates to or in any way affects or concerns the Department of Transport and Highways or the administration of that Department;
- (b) The Commissioner for Government Tram and Omnibus Services—where, and in so far as, such Act, by-law, regulation, ordinance, instrument or document relates to or in any way affects or concerns the Department of Government Tram and Omnibus Services or the administration of that Department.

(2) Without prejudice to the generality of subsection one of this section—

- (a) Any reference of the nature referred to in that subsection may, pursuant to that subsection, be read, deemed and taken to refer to The Director of Transport and Highways or The Commissioner for Government Tram and Omnibus Services or to both of them at the same or different times, as the case may require;
- (b) The Director of Transport and Highways shall have and enjoy, in relation to the administration by such Director of the Department of Transport and Highways, and to any power, authority, duty or function which may be exercised or performed by or on behalf of such Director and to the exercise and performance of any such power, authority, duty or function, all the privileges, protections, and immunities

which

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which, immediately before the commencement of this Act, were had and enjoyed by or provided for The Commissioner for Road Transport and Tramways;

- (c) The Commissioner for Government Tram and Omnibus Services shall have and enjoy, in relation to the administration by such Commissioner of the Department of Government Tram and Omnibus Services, and to any power, authority, duty or function which may be exercised or performed by or on behalf of such Commissioner and to the exercise and performance of any such power, authority, duty or function, all the privileges, protections and immunities which, immediately before the commencement of this Act, were had and enjoyed by or provided for The Commissioner for Road Transport and Tramways.

(3) This section shall not be construed so as to prejudice or limit any privilege, protection or immunity which is, by the operation of any Act, had and enjoyed by or provided for The Director of Transport and Highways or The Commissioner for Government Tram and Omnibus Services.

Powers of
Director and
Commis-
sioner for
Govern-
ment Tram
and Omni-
bus Services
in respect
of discon-
tinuance of
privately-
owned
omnibus
services, &c.

18. In the application of this Act to and in respect of sections one hundred and fifty-eight to one hundred and sixty-three, both inclusive, of the Transport Act, 1930, as amended by subsequent Acts—

- (a) The Director of Transport and Highways shall, without prejudice to the generality of subsection three of section three of this Act, have and exercise the power to determine that a route in respect of which a service license has been granted should be discontinued or that such route should in the public interest be operated by The Commissioner for Government Tram and Omnibus Services;

(b)

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- (b) The Commissioner for Government Tram and Omnibus Services shall be the authority to which notice to purchase under section one hundred and fifty-eight aforesaid shall be given and upon which the obligation to purchase the motor omnibuses, plant and lands, and all powers and obligations in relation thereto shall devolve.

19. (1) In the application of section one hundred and thirteen of the Transport Act, 1930, as amended by subsequent Acts, to and in respect of officers in the service of The Director of Transport and Highways or of The Commissioner for Government Tram and Omnibus Services, such section shall be read and construed as if the words "in the branch" were omitted therefrom.

Secs. 113
and 114 of
Transport
Act, 1930.

(2) Notwithstanding subsection three of section one hundred and fourteen of the Transport Act, 1930, as amended by subsequent Acts, the fees and expenses of the Appeal Board constituted under that section shall be paid by The Director of Transport and Highways and The Commissioner for Government Tram and Omnibus Services in such proportions and out of such funds as the Minister may determine.

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

Officers and
employees
of the
Director of
Transport
and
Highways.

(2) For the purposes of this Act, The Director of Transport and Highways may by arrangement with The Commissioner for Railways, The Commissioner for

Main

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Main Roads, The Commissioner for Government Tram and Omnibus Services or the Public Service Board transfer to the Department of Transport and Highways, or make use of the services of, any officer or employee of such other Commissioner or of the Public Service, as the case may be.

(3) Any officer or employee transferred to the Department of Transport and Highways under the foregoing provisions of this section who, at the time of his transfer or at any time prior thereto, was an officer of the Public Service or an officer or employee of the Department of Railways, the Department of Main Roads, the Department of Road Transport and Tramways or the Department of Government Tram and Omnibus Services, 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 be entitled to receive any annual, sick, deferred or extended leave, and any privileges, and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, or an officer or employee of any of such Departments, as the case may be, and his service under this Act shall be deemed to be service for the purposes aforesaid.

(4) Any officer or employee transferred to the Department of Transport and Highways under the foregoing provisions of this section who, at the time of his transfer or at any time prior thereto, was an officer of the Public Service or an officer or employee of the Department of Railways, the Department of Main Roads, the Department of Road Transport and Tramways or the Department of Government Tram and Omnibus Services, and was not a contributor to a superannuation fund or account, shall be entitled to receive any annual, sick, deferred or extended leave, and any privileges, and any payment or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, or an officer or employee of
any

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any of such Departments, as the case may be, and his service under this Act shall be deemed to be service for the purposes aforesaid.

21. (1) The officers and employees of the Department of Road Transport and Tramways who, immediately before the commencement of this Act, were employed in that Department and who are not by the operation of subsection one of section twenty of this Act transferred to the Department of Transport and Highways shall become and be officers and employees of the Department of Government Tram and Omnibus Services.

Officers and employees of The Commissioner for Government Tram and Omnibus Services.

(2) For the purposes of this Act, The Commissioner for Government Tram and Omnibus Services may by arrangement with The Commissioner for Railways, The Commissioner for Main Roads, The Director of Transport and Highways or the Public Service Board transfer to the Department of Government Tram and Omnibus Services, or make use of the services of, any officer or employee of such other Commissioner or of such Director or of the Public Service, as the case may be.

(3) Any officer or employee transferred to the Department of Government Tram and Omnibus Services under the foregoing provisions of this section who, at the time of his transfer or at any time prior thereto, was an officer of the Public Service or an officer or employee of the Department of Railways, the Department of Main Roads, the Department of Road Transport and Tramways or the Department of Transport and Highways, 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 be entitled to receive any annual, sick, deferred or extended leave, and any privileges, and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, or an officer or employee of any of such Departments, as the case may be, and his service under this Act shall be deemed to be service for the purposes aforesaid.

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(4) Any officer or employee transferred to the Department of Government Tram and Omnibus Services under the foregoing provisions of this section who, at the time of his transfer or at any time prior thereto, was an officer of the Public Service or an officer or employee of the Department of Railways, the Department of Main Roads, the Department of Road Transport and Tramways or the Department of Transport and Highways, and was not a contributor to a superannuation fund or account, shall be entitled to receive any annual, sick, deferred or extended leave, and any privileges, and any payment or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, or an officer or employee of any of such Departments, as the case may be, and his service under this Act shall be deemed to be service for the purposes aforesaid.

Public
Service
Act, 1902,
not to
apply to
employ-
ment of
officers or
employees.

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 Transport and Highways or the Department of Government Tram and Omnibus Services.

(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.

Awards and
industrial
agreements
to apply to
transferred
officers
and
employees.

23. Where any condition of employment of any officer or employee transferred to the Department of Transport and Highways or the Department of Government Tram and Omnibus Services pursuant to section twenty or section twenty-one of this Act is, at the date of his transfer, regulated by an award or industrial agreement, such condition shall continue to be so regulated until

an

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an award by which The Director of Transport and Highways or The Commissioner for Government Tram and Omnibus Services, as the case may be, is bound is made by an authority of competent jurisdiction, or such condition is regulated by an industrial agreement to which such Director or such Commissioner, as the case may be, is a party.

24. (1) The Transport and Highways Act, 1950, is amended—

Amendment of Act No. 10, 1950.

Sec. 3.

(Constitution of Commission.)

- (a) by omitting from paragraph (d) of subsection three of section three the words “the Commissioner for Road Transport and Tramways” and by inserting in lieu thereof the words “the Commissioner for Government Tram and Omnibus Services”;

Sec. 4.

(Director of Transport and Highways.)

- (b) (i) by inserting in paragraph (g) of subsection five of section four after the word “Commission” the words “the Director of Transport and Highways in relation to the performance and exercise of the powers, authorities, duties and functions conferred and imposed upon such Director by or under the Transport (Division of Functions) Amendment Act, 1952”;

- (ii) by omitting from the same paragraph the words “the Commissioner for Road Transport and Tramways” and by inserting in lieu thereof the words “the Commissioner for Government Tram and Omnibus Services”;

- (iii) by omitting from paragraphs (a) and (b) of subsection seven of the same section the words “is divided under the Transport (Division of Functions) Act, 1932-1947” wherever occurring and by inserting in lieu thereof the words “is or was divided under the Transport (Division of Functions) Act, 1932-1947, or the Transport (Division of Functions) Amendment Act, 1952”;

(iv)

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- (iv) by inserting in paragraph (e) of the same subsection after the figures "1947" where firstly occurring the words "and the Transport (Division of Functions) Amendment Act, 1952";

Sec. 7.
(Officers
and
servants.)

- (c) (i) by inserting in subsections two and three of section seven after the figures "1947" wherever occurring the words "and the Transport (Division of Functions) Amendment Act, 1952";
- (ii) by omitting from subsections four and five of the same section the words "is divided under the Transport (Division of Functions) Act, 1932-1947" wherever occurring and by inserting in lieu thereof the words "is or was divided under the Transport (Division of Functions) Act, 1932-1947, or the Transport (Division of Functions) Amendment Act, 1952";

Sec. 8.
(Powers of
Commis-
sion.)

- (d) (i) by inserting in subsection one of section eight after the word "Commission" wherever occurring the words "or the Director";
- (ii) by inserting in the same subsection after the figures "1947" wherever occurring the words "and the Transport (Division of Functions) Amendment Act, 1952";
- (iii) by inserting in paragraph (b) of the same subsection after the word "its" the words "or his";
- (iv) by omitting from paragraph (g) of the same subsection the words "the Commissioner for Road Transport and Tramways" and by inserting in lieu thereof the words "the Commissioner for Government Tram and Omnibus Services";
- (v) by omitting from subsection two of the same section the words "the Commissioner for Road Transport and Tramways" and by inserting

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inserting in lieu thereof the words “the Commissioner for Government Tram and Omnibus Services”;

(vi) by inserting in the same subsection after the word “Commission” the words “or the Director”;

(vii) by inserting in the same subsection after the word “it” where secondly occurring the words “or him”;

(e) (i) by inserting in subsection one of section nine after the figures “1947” wherever occurring the words “and the Transport (Division of Functions) Amendment Act, 1952”;

Sec. 9.
(Powers of inspection.
etc.

(ii) by omitting from subsection two of the same section the words “the Commissioner for Road Transport and Tramways” and by inserting in lieu thereof the words “the Commissioner for Government Tram and Omnibus Services”;

(iii) by inserting next after the same subsection the following new subsection:—

(3) The Commission may, for the purposes of this Act, at any time and from time to time require the Director of Transport and Highways in relation to the performance and exercise of the powers, authorities, duties and functions conferred and imposed upon such Director by or under the Transport (Division of Functions) Amendment Act, 1952, to furnish all such information, particulars and records as the Commission may require.

(f) by omitting subsection two of section eleven and by inserting in lieu thereof the following subsection:—

Sec. 11.
(Contributions by certain authorities towards expenses of administration.)

(2) The Commissioner for Railways, the Commissioner for Government Tram and Omnibus Services, the Commissioner for Main Roads, the

Transport (Division of Functions) Amendment.

the Maritime Services Board of New South Wales and the Director of Transport and Highways in relation to the performance and exercise by such Director of the powers, authorities, duties and functions conferred and imposed upon such Director by or under the Transport (Division of Functions) Amendment Act, 1952, shall make such contributions towards the amount so expended in any period of twelve months referred to in subsection one of this section as the Colonial Treasurer may determine.

Different contributions may be determined in respect of each of the persons abovementioned.

Such contributions shall be payable in such manner and at such times as the Colonial Treasurer may determine.

**New secs.
14 and 15.**

Application
of certain
provisions
of the
Transport
Act, 1930,
to officers
and
employees
under
this Act.

(g) by inserting next after section thirteen the following new sections:—

14. (1) The Governor may, by regulations made under this Act, declare that, as from a date to be specified in the regulations, the provisions of Parts XI and XII of the Transport Act, 1930, as amended by subsequent Acts, or such of those provisions as may be specified in the regulations shall, subject to the modifications and adaptations referred to in subsection two of this section, apply to and in respect of officers and employees (including the secretary) appointed pursuant to section seven of this Act.

(2) The regulations shall, by reference to sections, subsections or otherwise, set out the provisions so declared to apply with such modifications and adaptations as the Governor deems necessary for the purpose of such application.

Transport (Division of Functions) Amendment.

15. (1) The Governor may make regulations **Regulations.** not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(2) The Transport and Highways Act, 1950, as amended by this Act, may be cited as the Transport and Highways Act, 1950-1952.

25. (1) The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts, is amended— **Amendment of Act No. 31, 1932.**

- (a) by inserting at the end of subsection one of section eight the following new paragraph:— **Sec. 8. (Appointment and powers of Assistant Commissioners.)**

After the commencement of the Transport (Division of Functions) Amendment Act, 1952, no appointment of an Assistant Commissioner for Railways shall be made pursuant to this subsection.

(b)

Transport (Division of Functions) Amendment.

Sec. 24.

(Powers of
Commis-
sioner in
respect of
officers and
employees.)

(b) by omitting subsection two of section twenty-four.

(2) The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts and by this Act, may be cited as the Transport (Division of Functions) Act, 1932-1952.

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1952.

[1s.]

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 March, 1952, A.M.*

New South Wales.



ANNO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 15, 1952.

An Act to provide for the appointment of a Commissioner for Government Tram and Omnibus Services; to provide for the exercise and discharge by such Commissioner of certain of the powers, authorities, duties and functions which were formerly exercised and discharged by The Commissioner for Road Transport and Tramways; to transfer the other powers, authorities, duties and functions which were formerly exercised and discharged by The Commissioner for Road Transport and Tramways to the Director of Transport and Highways, and to provide for their exercise and discharge by the Director of Transport and Highways; for these and other purposes to amend the Transport and Highways Act, 1950, the Transport Act, 1930, and certain other Acts; and for purposes connected therewith. [Assented to, 17th April 1952.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Transport (Division of Functions) Amendment.

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
commence-
ment.

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

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

Division of
Department
of Road
Transport
and
Tramways.

2. (1) The Department of Road Transport and Tramways is hereby divided into two departments as follows:—

(a) the Department of Transport and Highways, which shall be administered by The Director of Transport and Highways; and

(b) the Department of Government Tram and Omnibus Services, which shall be administered by The Commissioner for Government Tram and Omnibus Services.

(2) (a) The Department of Transport and Highways may be divided into such branches or sections as may be determined by The Director of Transport and Highways.

(b) The Department of Government Tram and Omnibus Services may be divided into such branches or sections as may be determined by The Commissioner for Government Tram and Omnibus Services.

Director of
Transport
and
Highways.

3. (1) For the purpose of the exercise and performance of the powers, authorities, duties and functions conferred and imposed upon him by this Act, and of the administration of the Department of Transport and Highways, the Director of Transport and Highways shall be a body corporate under the name of "The Director of Transport and Highways."

(2) For the purposes of any Act, the corporation constituted under subsection one of this section shall be deemed a statutory body representing the Crown.

(3)

Transport (Division of Functions) Amendment.

(3) The Director of Transport and Highways shall exercise and perform the powers, authorities, duties and functions which, immediately before the commencement of this Act, were exercised and performed by The Commissioner for Road Transport and Tramways other than the powers, authorities, duties and functions conferred and imposed upon The Commissioner for Government Tram and Omnibus Services by or under subsection three of section four of this Act.

(4) In the exercise and performance of the powers, authorities, duties and functions conferred and imposed upon The Director of Transport and Highways by or under this or any other Act such Director shall be subject to the direction and control of the Minister.

4. (1) For the purpose of the exercise and performance of the powers, authorities, duties and functions conferred and imposed upon him by this Act, and of the administration of the Department of Government Tram and Omnibus Services, the Commissioner for Government Tram and Omnibus Services shall be a body corporate under the name of "The Commissioner for Government Tram and Omnibus Services."

The
Commis-
sioner for
Govern-
ment
Tram and
Omnibus
Services.

(2) For the purposes of any Act, the corporation constituted under subsection one of this section shall be deemed a statutory body representing the Crown.

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

(a) motor omnibuses and motor omnibus services other than—

(i) privately-owned motor omnibuses and motor omnibus services; and

(ii) without limiting the generality of subparagraph (i) of this paragraph, the registration of motor omnibuses, other than

Transport (Division of Functions) Amendment.

than privately-owned omnibuses, and the licensing of the drivers and conductors thereof;

(b) tramways; and

(c) 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) In the exercise and performance of the powers, authorities, duties and functions conferred and imposed upon The Commissioner for Government Tram and Omnibus Services by or under this or any other Act, such Commissioner shall be subject to the direction and control of the Minister.

Offices of
Director of
Transport
and
Highways
and
Commis-
sioner for
Government
Tram and
Omnibus
Services.

5. (1) The person for the time being holding the office of Director of Transport and Highways under the Transport and Highways Act, 1950, shall be the Director of Transport and Highways under this Act.

(2) The Commissioner for Government Tram and Omnibus Services shall be appointed by the Governor, shall, subject to this Act, hold office for a term of seven years and shall be eligible for reappointment.

(3) The person who immediately before the commencement of this Act held the office of Commissioner for Road Transport and Tramways shall, as from such commencement, be deemed to have been appointed under subsection two of this section as Commissioner for Government Tram and Omnibus Services but shall hold office for the balance of the term for which he was appointed Commissioner for Road Transport and Tramways and shall continue to receive salary at a rate not less than the rate at which salary was payable to him immediately before the commencement of this Act.

(4) The salary of the Commissioner for Government Tram and Omnibus Services shall be fixed by the Governor at the time of his appointment and shall not be reduced during his term of office.

(5)

Transport (Division of Functions) Amendment.

(5) The Director of Transport and Highways and the Commissioner for Government Tram and Omnibus Services shall be paid such fees and allowances as may from time to time be fixed by the Governor.

6. (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, the Ministry of Transport Act, 1932, the Transport (Division of Functions) Act, 1932, or the Transport and Highways Act, 1950, or any Act amending those Acts to any person appointed as Commissioner for Government Tram and Omnibus Services under this Act, who at the time of his appointment, or at any time previously thereto, was an officer of the Public Service, the Department of Railways, the Department of Road Transport and Tramways, the Department of Main Roads, the Department of Transport and Highways or the Department of Government Tram and Omnibus Services.

Savings of
rights.
cf. Act No.
31, 1932,
s. 9.

(2) Any person appointed as Commissioner for Government Tram and Omnibus Services 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 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

Transport (Division of Functions) Amendment.

For such purpose his service in any office under any Act, and his service as Commissioner for Government Tram and Omnibus Services under this Act, shall be deemed to be service for the purposes of such Act.

(3) If such 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 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 Railways, the Department of Main Roads, the Department of Transport and Highways or the Department of Government Tram and Omnibus Services, appointed as Commissioner for Government Tram and Omnibus Services 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, 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 Commissioner for Government Tram and Omnibus Services shall be deemed to be service for the purposes of such Acts.

Transport (Division of Functions) Amendment.

7. The provisions of the Public Service Act, 1902, shall not apply to the appointment of a Commissioner for Government Tram and Omnibus Services.

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

8. The Commissioner for Government Tram and Omnibus Services may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided:—

Suspension or removal from office.

- (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) The Commissioner for Government Tram and Omnibus Services 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 such Commissioner ought to be removed from office, and if each House of Parliament within the said time does so declare, such Commissioner shall be removed by the Governor accordingly.

9. The Commissioner for Government Tram and Omnibus Services shall be deemed to have vacated his office if he—

Vacation of office.

- (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)

Transport (Division of Functions) Amendment.

- (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 the Transport (Division of Functions) Act, 1932, as amended by subsequent Acts, or The Director of Transport and Highways or The Commissioner for Government Tram and Omnibus Services, or in any wise participates or claims to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom.

Appoint-
ment of
deputy.

10. (1) In case of the illness, suspension, or absence of the Commissioner for Government Tram and Omnibus Services appointed under this Act, the Governor may appoint a person to be the deputy of such 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.

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

Transfer
of
functions.

11. (1) Upon the commencement of this Act, The Commissioner for Road Transport and Tramways shall cease to function, and the powers, authorities, duties and functions, including the power to recommend or concur in the making of regulations, conferred or imposed upon The Commissioner for Road Transport and Tramways by

or

Transport (Division of Functions) Amendment.

or under any Act shall be exercised and performed by The Director of Transport and Highways and The Commissioner for Government Tram and Omnibus Services under and in accordance with the provisions of this Act.

(2) Upon such commencement the Commissioner for Road Transport and Tramways shall cease to hold office.

12. (1) Where any matter or thing has been commenced by or under the authority of The Commissioner for Road Transport and Tramways it may be carried on and completed by or under the authority of the body corporate constituted 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. Savings.

(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 Commissioner for Road Transport and Tramways may be continued by or against the body corporate constituted 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.

(3) All moneys and liquidated or unliquidated claims which immediately before the commencement of this Act are payable to or recoverable by The Commissioner for Road Transport and Tramways shall be moneys and liquidated or unliquidated claims payable to or recoverable by the body corporate constituted 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 Commissioner for Road Transport and Tramways 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

Transport (Division of Functions) Amendment.

given to or by the body corporate constituted 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 body corporate 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 Commissioner for Road Transport and Tramways might have done but for this Act.

(6) Each such body corporate 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 body corporate.

(7) All debts due and moneys payable by and all claims liquidated and unliquidated recoverable against The Commissioner for Road Transport and Tramways shall be debts due and moneys payable by and claims recoverable against the body corporate constituted 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 Metropolitan Traffic Act, 1900, the Motor Traffic Act, 1909, the Transport Act, 1930, the State Transport (Co-ordination) Act, 1931, the Motor Tax Management Act, 1914, or the Motor Vehicles Taxation Management Act, 1949, 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)

Transport (Division of Functions) Amendment.

(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.

13. The funds vested in and administered by The Commissioner for Road Transport and Tramways, and the funds administered by that Commissioner, shall be vested in and administered by, or administered by, as the case may be, the respective bodies corporate constituted 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 Commissioner for Road Transport and Tramways.

14. (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 Commissioner for Road Transport and Tramways shall, subject to subsection two of this section, be transferred to and vested in the respective bodies corporate constituted 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 Commissioner for Road Transport and Tramways.

Vesting of
lands, etc.

(2) (a) Any right title and interest of The Commissioner for Road Transport and Tramways in the land on which the administrative building known as 99 Macquarie-street, Sydney, is erected and in the vacant land adjoining that building, shall vest in The Commissioner for Government Tram and Omnibus Services.

(b)

Transport (Division of Functions) Amendment.

(b) Where any part of the property referred to in this subsection is used or occupied by the Department of Transport and Highways, The Director of Transport and Highways shall pay to The Commissioner for Government Tram and Omnibus Services such sum or sums as the Minister may determine and such Commissioner shall allocate and apply the sum or sums so paid in such manner as the Minister may determine.

(3) The body corporate constituted under this Act in whom any such property is vested shall assume such of the liabilities and obligations of The Commissioner for Road Transport and Tramways as were incurred in respect of the property so vested.

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

Capital
indebt-
edness.

15. The Commissioner for Government Tram and Omnibus Services shall assume the capital indebtedness to the State of The Commissioner for Road Transport and Tramways as subsisting immediately before the commencement of this Act.

Disputes.

16. If any doubt or dispute arises as to which of the bodies corporate constituted 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 Commissioner for Road Transport and Tramways or if any dispute arises between such bodies corporate out of the exercise or performance of any such power, authority, duty, or function, or as to their respective rights or liabilities, any such body corporate may refer the matter to the Minister.

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

17.

Transport (Division of Functions) Amendment.

17. (1) 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 The Commissioner for Road Transport and Tramways shall be read, deemed and taken to refer to—

Construc-
tion of
Acts, etc.

- (a) The Director of Transport and Highways—where, and in so far as, such Act, by-law, regulation, ordinance, instrument or document relates to or in any way affects or concerns the Department of Transport and Highways or the administration of that Department;
- (b) The Commissioner for Government Tram and Omnibus Services—where, and in so far as, such Act, by-law, regulation, ordinance, instrument or document relates to or in any way affects or concerns the Department of Government Tram and Omnibus Services or the administration of that Department.

(2) Without prejudice to the generality of subsection one of this section—

- (a) Any reference of the nature referred to in that subsection may, pursuant to that subsection, be read, deemed and taken to refer to The Director of Transport and Highways or The Commissioner for Government Tram and Omnibus Services or to both of them at the same or different times, as the case may require;
- (b) The Director of Transport and Highways shall have and enjoy, in relation to the administration by such Director of the Department of Transport and Highways, and to any power, authority, duty or function which may be exercised or performed by or on behalf of such Director and to the exercise and performance of any such power, authority, duty or function, all the privileges, protections, and immunities

which

Transport (Division of Functions) Amendment.

which, immediately before the commencement of this Act, were had and enjoyed by or provided for The Commissioner for Road Transport and Tramways;

- (c) The Commissioner for Government Tram and Omnibus Services shall have and enjoy, in relation to the administration by such Commissioner of the Department of Government Tram and Omnibus Services, and to any power, authority, duty or function which may be exercised or performed by or on behalf of such Commissioner and to the exercise and performance of any such power, authority, duty or function, all the privileges, protections and immunities which, immediately before the commencement of this Act, were had and enjoyed by or provided for The Commissioner for Road Transport and Tramways.

(3) This section shall not be construed so as to prejudice or limit any privilege, protection or immunity which is, by the operation of any Act, had and enjoyed by or provided for The Director of Transport and Highways or The Commissioner for Government Tram and Omnibus Services.

Powers of
Director and
Commis-
sioner for
Govern-
ment Tram
and Omni-
bus Services
in respect
of discon-
tinuance of
privately-
owned
omnibus
services, &c.

18. In the application of this Act to and in respect of sections one hundred and fifty-eight to one hundred and sixty-three, both inclusive, of the Transport Act, 1930, as amended by subsequent Acts—

- (a) The Director of Transport and Highways shall, without prejudice to the generality of subsection three of section three of this Act, have and exercise the power to determine that a route in respect of which a service license has been granted should be discontinued or that such route should in the public interest be operated by The Commissioner for Government Tram and Omnibus Services;

(b)

Transport (Division of Functions) Amendment.

- (b) The Commissioner for Government Tram and Omnibus Services shall be the authority to which notice to purchase under section one hundred and fifty-eight aforesaid shall be given and upon which the obligation to purchase the motor omnibuses, plant and lands, and all powers and obligations in relation thereto shall devolve.

19. (1) In the application of section one hundred and thirteen of the Transport Act, 1930, as amended by subsequent Acts, to and in respect of officers in the service of The Director of Transport and Highways or of The Commissioner for Government Tram and Omnibus Services, such section shall be read and construed as if the words "in the branch" were omitted therefrom.

Secs. 113
and 114 of
Transport
Act, 1930.

(2) Notwithstanding subsection three of section one hundred and fourteen of the Transport Act, 1930, as amended by subsequent Acts, the fees and expenses of the Appeal Board constituted under that section shall be paid by The Director of Transport and Highways and The Commissioner for Government Tram and Omnibus Services in such proportions and out of such funds as the Minister may determine.

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

Officers and
employees
of the
Director of
Transport
and
Highways.

(2) For the purposes of this Act, The Director of Transport and Highways may by arrangement with The Commissioner for Railways, The Commissioner for

Main

Transport (Division of Functions) Amendment.

Main Roads, The Commissioner for Government Tram and Omnibus Services or the Public Service Board transfer to the Department of Transport and Highways, or make use of the services of, any officer or employee of such other Commissioner or of the Public Service, as the case may be.

(3) Any officer or employee transferred to the Department of Transport and Highways under the foregoing provisions of this section who, at the time of his transfer or at any time prior thereto, was an officer of the Public Service or an officer or employee of the Department of Railways, the Department of Main Roads, the Department of Road Transport and Tramways or the Department of Government Tram and Omnibus Services, 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 be entitled to receive any annual, sick, deferred or extended leave, and any privileges, and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, or an officer or employee of any of such Departments, as the case may be, and his service under this Act shall be deemed to be service for the purposes aforesaid.

(4) Any officer or employee transferred to the Department of Transport and Highways under the foregoing provisions of this section who, at the time of his transfer or at any time prior thereto, was an officer of the Public Service or an officer or employee of the Department of Railways, the Department of Main Roads, the Department of Road Transport and Tramways or the Department of Government Tram and Omnibus Services, and was not a contributor to a superannuation fund or account, shall be entitled to receive any annual, sick, deferred or extended leave, and any privileges, and any payment or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, or an officer or employee of

any

Transport (Division of Functions) Amendment.

any of such Departments, as the case may be, and his service under this Act shall be deemed to be service for the purposes aforesaid.

21. (1) The officers and employees of the Department of Road Transport and Tramways who, immediately before the commencement of this Act, were employed in that Department and who are not by the operation of subsection one of section twenty of this Act transferred to the Department of Transport and Highways shall become and be officers and employees of the Department of Government Tram and Omnibus Services.

Officers and employees of The Commissioner for Government Tram and Omnibus Services.

(2) For the purposes of this Act, The Commissioner for Government Tram and Omnibus Services may by arrangement with The Commissioner for Railways, The Commissioner for Main Roads, The Director of Transport and Highways or the Public Service Board transfer to the Department of Government Tram and Omnibus Services, or make use of the services of, any officer or employee of such other Commissioner or of such Director or of the Public Service, as the case may be.

(3) Any officer or employee transferred to the Department of Government Tram and Omnibus Services under the foregoing provisions of this section who, at the time of his transfer or at any time prior thereto, was an officer of the Public Service or an officer or employee of the Department of Railways, the Department of Main Roads, the Department of Road Transport and Tramways or the Department of Transport and Highways, 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 be entitled to receive any annual, sick, deferred or extended leave, and any privileges, and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, or an officer or employee of any of such Departments, as the case may be, and his service under this Act shall be deemed to be service for the purposes aforesaid.

(4)

Transport (Division of Functions) Amendment.

(4) Any officer or employee transferred to the Department of Government Tram and Omnibus Services under the foregoing provisions of this section who, at the time of his transfer or at any time prior thereto, was an officer of the Public Service or an officer or employee of the Department of Railways, the Department of Main Roads, the Department of Road Transport and Tramways or the Department of Transport and Highways, and was not a contributor to a superannuation fund or account, shall be entitled to receive any annual, sick, deferred or extended leave, and any privileges, and any payment or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, or an officer or employee of any of such Departments, as the case may be, and his service under this Act shall be deemed to be service for the purposes aforesaid.

Public
Service
Act, 1902,
not to
apply to
employ-
ment of
officers or
employees.

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 Transport and Highways or the Department of Government Tram and Omnibus Services.

(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.

Awards and
industrial
agreements
to apply to
transferred
officers
and
employees.

23. Where any condition of employment of any officer or employee transferred to the Department of Transport and Highways or the Department of Government Tram and Omnibus Services pursuant to section twenty or section twenty-one of this Act is, at the date of his transfer, regulated by an award or industrial agreement, such condition shall continue to be so regulated until

an

Transport (Division of Functions) Amendment.

an award by which The Director of Transport and Highways or The Commissioner for Government Tram and Omnibus Services, as the case may be, is bound is made by an authority of competent jurisdiction, or such condition is regulated by an industrial agreement to which such Director or such Commissioner, as the case may be, is a party.

- 24.** (1) The Transport and Highways Act, 1950, is amended—
- (a) by omitting from paragraph (d) of subsection three of section three the words “the Commissioner for Road Transport and Tramways” and by inserting in lieu thereof the words “the Commissioner for Government Tram and Omnibus Services”;
 - (b) (i) by inserting in paragraph (g) of subsection five of section four after the word “Commission” the words “the Director of Transport and Highways in relation to the performance and exercise of the powers, authorities, duties and functions conferred and imposed upon such Director by or under the Transport (Division of Functions) Amendment Act, 1952”;
 - (ii) by omitting from the same paragraph the words “the Commissioner for Road Transport and Tramways” and by inserting in lieu thereof the words “the Commissioner for Government Tram and Omnibus Services”;
 - (iii) by omitting from paragraphs (a) and (b) of subsection seven of the same section the words “is divided under the Transport (Division of Functions) Act, 1932-1947” wherever occurring and by inserting in lieu thereof the words “is or was divided under the Transport (Division of Functions) Act, 1932-1947, or the Transport (Division of Functions) Amendment Act, 1952”;
- (iv).

Amendment of
Act No. 10,
1950.
Sec. 3.
(Constitution
of Commis-
sion.)

Sec. 4.
(Director of
Transport
and
Highways.)

Transport (Division of Functions) Amendment.

(iv) by inserting in paragraph (e) of the same subsection after the figures "1947" where firstly occurring the words "and the Transport (Division of Functions) Amendment Act, 1952";

Sec. 7.
(Officers
and
servants.)

(c) (i) by inserting in subsections two and three of section seven after the figures "1947" wherever occurring the words "and the Transport (Division of Functions) Amendment Act, 1952";

(ii) by omitting from subsections four and five of the same section the words "is divided under the Transport (Division of Functions) Act, 1932-1947" wherever occurring and by inserting in lieu thereof the words "is or was divided under the Transport (Division of Functions) Act, 1932-1947, or the Transport (Division of Functions) Amendment Act, 1952";

Sec. 8.
(Powers of
Commis-
sion.)

(d) (i) by inserting in subsection one of section eight after the word "Commission" wherever occurring the words "or the Director";

(ii) by inserting in the same subsection after the figures "1947" wherever occurring the words "and the Transport (Division of Functions) Amendment Act, 1952";

(iii) by inserting in paragraph (b) of the same subsection after the word "its" the words "or his";

(iv) by omitting from paragraph (g) of the same subsection the words "the Commissioner for Road Transport and Tramways" and by inserting in lieu thereof the words "the Commissioner for Government Tram and Omnibus Services";

(v) by omitting from subsection two of the same section the words "the Commissioner for Road Transport and Tramways" and by inserting

Transport (Division of Functions) Amendment.

inserting in lieu thereof the words "the Commissioner for Government Tram and Omnibus Services";

- (vi) by inserting in the same subsection after the word "Commission" the words "or the Director";
- (vii) by inserting in the same subsection after the word "it" where secondly occurring the words "or him";
- (e) (i) by inserting in subsection one of section nine after the figures "1947" wherever occurring the words "and the Transport (Division of Functions) Amendment Act, 1952"; Sec. 9.
(Powers of inspection.
etc.)
- (ii) by omitting from subsection two of the same section the words "the Commissioner for Road Transport and Tramways" and by inserting in lieu thereof the words "the Commissioner for Government Tram and Omnibus Services";
- (iii) by inserting next after the same subsection the following new subsection:—

(3) The Commission may, for the purposes of this Act, at any time and from time to time require the Director of Transport and Highways in relation to the performance and exercise of the powers, authorities, duties and functions conferred and imposed upon such Director by or under the Transport (Division of Functions) Amendment Act, 1952, to furnish all such information, particulars and records as the Commission may require.
- (f) by omitting subsection two of section eleven and by inserting in lieu thereof the following subsection:— Sec. 11.
(Contributions by certain authorities towards expenses of administration.)

(2) The Commissioner for Railways, the Commissioner for Government Tram and Omnibus Services, the Commissioner for Main Roads, the

Transport (Division of Functions) Amendment.

the Maritime Services Board of New South Wales and the Director of Transport and Highways in relation to the performance and exercise by such Director of the powers, authorities, duties and functions conferred and imposed upon such Director by or under the Transport (Division of Functions) Amendment Act, 1952, shall make such contributions towards the amount so expended in any period of twelve months referred to in subsection one of this section as the Colonial Treasurer may determine.

Different contributions may be determined in respect of each of the persons abovementioned.

Such contributions shall be payable in such manner and at such times as the Colonial Treasurer may determine.

New secs.
14 and 15.

Application
of certain
provisions
of the
Transport
Act, 1930,
to officers
and
employees
under
this Act.

(g) by inserting next after section thirteen the following new sections:—

14. (1) The Governor may, by regulations made under this Act, declare that, as from a date to be specified in the regulations, the provisions of Parts XI and XII of the Transport Act, 1930, as amended by subsequent Acts, or such of those provisions as may be specified in the regulations shall, subject to the modifications and adaptations referred to in subsection two of this section, apply to and in respect of officers and employees (including the secretary) appointed pursuant to section seven of this Act.

(2) The regulations shall, by reference to sections, subsections or otherwise, set out the provisions so declared to apply with such modifications and adaptations as the Governor deems necessary for the purpose of such application.

Transport (Division of Functions) Amendment.

15. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

(2) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(2) The Transport and Highways Act, 1950, as amended by this Act, may be cited as the Transport and Highways Act, 1950-1952.

25. (1) The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts, is amended—

- (a) by inserting at the end of subsection one of section eight the following new paragraph:—

After the commencement of the Transport (Division of Functions) Amendment Act, 1952, no appointment of an Assistant Commissioner for Railways shall be made pursuant to this subsection.

Amendment of Act No. 31, 1932.
 Sec. 8.
 (Appointment and powers of Assistant Commissioners.)

(b)

Transport (Division of Functions) Amendment.

Sec. 24.
(Powers of
Commissioner in
respect of
officers and
employees.)

(b) by omitting subsection two of section twenty-four.

(2) The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts and by this Act, may be cited as the Transport (Division of Functions) Act, 1932-1952.

In the name and on behalf of Her Majesty I assent to this Act.

J. NORTHCOTT,
Governor.

*Government House,
Sydney, 17th April, 1952.*

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 March, 1952, A.M.*

New South Wales.



ANNO PRIMO

ELIZABETHÆ II REGINÆ

Act No. , 1952.

An Act to provide for the appointment of a Commissioner for Government Tram and Omnibus Services; to provide for the exercise and discharge by such Commissioner of certain of the powers, authorities, duties and functions which were formerly exercised and discharged by The Commissioner for Road Transport and Tramways; to transfer the other powers, authorities, duties and functions which were formerly exercised and discharged by The Commissioner for Road Transport and Tramways to the Director of Transport and Highways, and to provide for their exercise and discharge by the Director of Transport and Highways; for these and other purposes to amend the Transport and Highways Act, 1950, the Transport Act, 1930, and certain other Acts; and for purposes connected therewith.

Transport (Division of Functions) Amendment.

BE it enacted by the Queen's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

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

Short title
and
commence-
ment.

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

2. (1) The Department of Road Transport and Tram-
ways is hereby divided into two departments as follows:—

Division of
Department
of Road
Transport
and
Tramways.

(a) the Department of Transport and Highways,
which shall be administered by The Director of
15 Transport and Highways; and

(b) the Department of Government Tram and
Omnibus Services, which shall be administered
by The Commissioner for Government Tram and
Omnibus Services.

20 (2) (a) The Department of Transport and High-
ways may be divided into such branches or sections as
may be determined by The Director of Transport and
Highways.

(b) The Department of Government Tram and
25 Omnibus Services may be divided into such branches or
sections as may be determined by The Commissioner for
Government Tram and Omnibus Services.

3. (1) For the purpose of the exercise and perform-
ance of the powers, authorities, duties and functions
30 conferred and imposed upon him by this Act, and of the
administration of the Department of Transport and
Highways, the Director of Transport and Highways shall
be a body corporate under the name of "The Director of
Transport and Highways."

Director of
Transport
and
Highways.

(2) For the purposes of any Act, the corporation
35 constituted under subsection one of this section shall be
deemed a statutory body representing the Crown.

(3)

Transport (Division of Functions) Amendment.

(3) The Director of Transport and Highways shall exercise and perform the powers, authorities, duties and functions which, immediately before the commencement of this Act, were exercised and performed by The
5 Commissioner for Road Transport and Tramways other than the powers, authorities, duties and functions conferred and imposed upon The Commissioner for Government Tram and Omnibus Services by or under subsection three of section four of this Act.

10 (4) In the exercise and performance of the powers, authorities, duties and functions conferred and imposed upon The Director of Transport and Highways by or under this or any other Act such Director shall be subject to the direction and control of the Minister.

15 4. (1) For the purpose of the exercise and performance of the powers, authorities, duties and functions conferred and imposed upon him by this Act, and of the administration of the Department of Government Tram
and Omnibus Services, the Commissioner for Government
20 Tram and Omnibus Services shall be a body corporate under the name of "The Commissioner for Government Tram and Omnibus Services."

The
Commis-
sioner for
Govern-
ment
Tram and
Omnibus
Services.

(2) For the purposes of any Act, the corporation constituted under subsection one of this section shall be
25 deemed a statutory body representing the Crown.

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

(a) motor omnibuses and motor omnibus services other than—

- 35 (i) privately-owned motor omnibuses and motor omnibus services; and
- (ii) without limiting the generality of subparagraph (i) of this paragraph, the registration of motor omnibuses, other than

Transport (Division of Functions) Amendment.

than privately-owned omnibuses, and the licensing of the drivers and conductors thereof;

(b) tramways; and

5 (c) 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) In the exercise and performance of the powers, 10 authorities, duties and functions conferred and imposed upon The Commissioner for Government Tram and Omnibus Services by or under this or any other Act, such Commissioner shall be subject to the direction and control of the Minister.

15 **5.** (1) The person for the time being holding the office of Director of Transport and Highways under the Transport and Highways Act, 1950, shall be the Director of Transport and Highways under this Act.

Offices of
Director of
Transport
and
Highways
and
Commis-
sioner for
Government
Tram and
Omnibus
Services.

(2) The Commissioner for Government Tram and 20 Omnibus Services shall be appointed by the Governor, shall, subject to this Act, hold office for a term of seven years and shall be eligible for reappointment.

(3) The person who immediately before the com-
mencement of this Act held the office of Commissioner for
25 Road Transport and Tramways shall, as from such
commencement, be deemed to have been appointed under
subsection two of this section as Commissioner for
Government Tram and Omnibus Services but shall hold
office for the balance of the term for which he was
30 appointed Commissioner for Road Transport and Tram-
ways and shall continue to receive salary at a rate not
less than the rate at which salary was payable to him
immediately before the commencement of this Act.

(4) The salary of the Commissioner for Govern-
35 ment Tram and Omnibus Services shall be fixed by the
Governor at the time of his appointment and shall not
be reduced during his term of office.

(5)

Transport (Division of Functions) Amendment.

(5) The Director of Transport and Highways and the Commissioner for Government Tram and Omnibus Services shall be paid such fees and allowances as may from time to time be fixed by the Governor.

- 5 6. (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, the Ministry of Transport Act, 1932, the Transport (Division of Functions) Act, 1932, or the Transport and Highways Act, 1950, or any Act amending those Acts to any person appointed as Commissioner for Government Tram and Omnibus Services under this Act, who at the time of his appointment, or at any time previously thereto, was an officer of the Public Service, the Department of Railways, the Department of Road Transport and Tramways, the Department of Main Roads, the Department of Transport and Highways or the Department of Government Tram and Omnibus Services.
- Savings of rights.
cf. Act No. 31, 1932, s. 9.

- (2) Any person appointed as Commissioner for Government Tram and Omnibus Services 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 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

Transport (Division of Functions) Amendment.

For such purpose his service in any office under any Act, and his service as Commissioner for Government Tram and Omnibus Services under this Act, shall be deemed to be service for the purposes of such Act.

- 5 (3) If such 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.
- 10 (4) Any such 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
- 15 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
- 20 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 Railways, the Department of Main Roads,
- 25 the Department of Transport and Highways or the Department of Government Tram and Omnibus Services, appointed as Commissioner for Government Tram and Omnibus Services under this Act, shall continue to contribute to any fund or account, and shall be entitled to
- 30 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, the Superannuation Act, 1916, the Government Railways Act, 1912, the Main Roads Act, 1924, or the Transport
- 35 Act, 1930, or any Act amending those Acts, as the case may be, and for such purposes his service as Commissioner for Government Tram and Omnibus Services shall be deemed to be service for the purposes of such Acts.

Transport (Division of Functions) Amendment.

7. The provisions of the Public Service Act, 1902, shall not apply to the appointment of a Commissioner for Government Tram and Omnibus Services.

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

8. The Commissioner for Government Tram and Omnibus Services may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided:—

Suspension or removal from office.

10 (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.

15 (b) The Commissioner for Government Tram and Omnibus Services 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 such Commissioner ought to be removed from office, and if each House of Parliament within the said time does so declare, such Commissioner shall be removed by the Governor accordingly.

25 9. The Commissioner for Government Tram and Omnibus Services shall be deemed to have vacated his office if he—

Vacation of office.

30 (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;

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

Transport (Division of Functions) Amendment.

- (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 the Transport (Division of Functions) Act, 1932, as amended by subsequent Acts, or The Director of Transport and Highways or The Commissioner for Government Tram and Omnibus Services, or in any wise participates or claims to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom.

10. (1) In case of the illness, suspension, or absence of the Commissioner for Government Tram and Omnibus Services appointed under this Act, the Governor may appoint a person to be the deputy of such 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.

Appoint-
ment of
deputy.

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

11. (1) Upon the commencement of this Act, The Commissioner for Road Transport and Tramways shall cease to function, and the powers, authorities, duties and functions, including the power to recommend or concur in the making of regulations, conferred or imposed upon The Commissioner for Road Transport and Tramways by

Transfer
of
functions.

or

Transport (Division of Functions) Amendment.

or under any Act shall be exercised and performed by The Director of Transport and Highways and The Commissioner for Government Tram and Omnibus Services under and in accordance with the provisions of this Act.

5 (2) Upon such commencement the Commissioner for Road Transport and Tramways shall cease to hold office.

12. (1) Where any matter or thing has been commenced by or under the authority of The Commissioner for Road Transport and Tramways it may be carried on and completed by or under the authority of the body corporate constituted 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. Savings.

15 (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 Commissioner for Road Transport and Tramways may be continued by or against the body corporate constituted 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.

25 (3) All moneys and liquidated or unliquidated claims which immediately before the commencement of this Act are payable to or recoverable by The Commissioner for Road Transport and Tramways shall be moneys and liquidated or unliquidated claims payable to or recoverable by the body corporate constituted 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.

35 (4) All contracts, agreements, and undertakings entered into with, and all securities lawfully given to or by The Commissioner for Road Transport and Tramways 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

Transport (Division of Functions) Amendment.

given to or by the body corporate constituted 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
5 given.

(5) Each such body corporate 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 Commissioner for Road Trans-
10 port and Tramways might have done but for this Act.

(6) Each such body corporate 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
15 were existing in favour of such body corporate.

(7) All debts due and moneys payable by and all claims liquidated and unliquidated recoverable against The Commissioner for Road Transport and Tramways shall be debts due and moneys payable by and
20 claims recoverable against the body corporate constituted 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 Metropolitan Traffic Act, 1900, the Motor Traffic Act, 1909, the Transport Act, 1930, the State Transport (Co-ordination) Act,
25 1931, the Motor Tax Management Act, 1914, or the Motor Vehicles Taxation Management Act, 1949, 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
30 replaced by subsequent by-laws, regulations, or ordinances, as the case may be.

(b)

Transport (Division of Functions) Amendment.

(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.

- 13.** The funds vested in and administered by The Funds.
10 Commissioner for Road Transport and Tramways, and the funds administered by that Commissioner, shall be vested in and administered by, or administered by, as the case may be, the respective bodies corporate constituted under this Act to exercise and perform the
15 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 Commissioner for Road Transport and Tramways.
- 20** **14.** (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 Commissioner for Road Transport and Tramways shall, subject to subsection two of this section, be transferred to and vested in the respective bodies corporate constituted 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 Commissioner
25 for Road Transport and Tramways. Vesting of lands, etc.
- (2) (a) Any right title and interest of The Commissioner for Road Transport and Tramways in the land on which the administrative building known as 99 Macquarie-street, Sydney, is erected and in the
30 vacant land adjoining that building, shall vest in The Commissioner for Government Tram and Omnibus Services.

(b)

Transport (Division of Functions) Amendment.

(b) Where any part of the property referred to in this subsection is used or occupied by the Department of Transport and Highways, The Director of Transport and Highways shall pay to The Commissioner 5 for Government Tram and Omnibus Services such sum or sums as the Minister may determine and such Commissioner shall allocate and apply the sum or sums so paid in such manner as the Minister may determine.

(3) The body corporate constituted under this 10 Act in whom any such property is vested shall assume such of the liabilities and obligations of The Commissioner for Road Transport and Tramways as were incurred in respect of the property so vested.

(4) No attornment by a lessee of any land trans- 15 ferred under this section shall be necessary.

15. The Commissioner for Government Tram and Omnibus Services shall assume the capital indebtedness to the State of The Commissioner for Road Transport and Tramways as subsisting immediately before the 20 commencement of this Act. Capital indebtedness.

16. If any doubt or dispute arises as to which of the 25 bodies corporate constituted 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 Commissioner for Road Transport and Tramways or if any dispute arises between such bodies corporate out of the exercise or performance of any such power, authority, duty, or function, or as to their respective rights or liabilities, 30 any such body corporate may refer the matter to the Minister. Disputes.

Where any such matter is so referred, it shall be determined by the Governor, or in such manner as the Governor directs. 68

Transport (Division of Functions) Amendment.

17. (1) 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, 5 deemed and taken to refer to The Commissioner for Road Transport and Tramways shall be read, deemed and taken to refer to—

Construc-
tion of
Acts, etc.

- 10 (a) The Director of Transport and Highways—where, and in so far as, such Act, by-law, regulation, ordinance, instrument or document relates to or in any way affects or concerns the Department of Transport and Highways or the administration of that Department;
- 15 (b) The Commissioner for Government Tram and Omnibus Services—where, and in so far as, such Act, by-law, regulation, ordinance, instrument or document relates to or in any way affects or concerns the Department of Government Tram and Omnibus Services or the administration of that Department.
- 20

(2) Without prejudice to the generality of subsection one of this section—

- 25 (a) Any reference of the nature referred to in that subsection may, pursuant to that subsection, be read, deemed and taken to refer to The Director of Transport and Highways or The Commissioner for Government Tram and Omnibus Services or to both of them at the same or different times, as the case may require;
- 30 (b) The Director of Transport and Highways shall have and enjoy, in relation to the administration by such Director of the Department of Transport and Highways, and to any power, authority, duty or function which may be exercised or performed by or on behalf of such Director and to the exercise and performance of any such power, authority, duty or function, 35 all the privileges, protections, and immunities which

Transport (Division of Functions) Amendment.

which, immediately before the commencement of this Act, were had and enjoyed by or provided for The Commissioner for Road Transport and Tramways;

- 5 (c) The Commissioner for Government Tram and Omnibus Services shall have and enjoy, in relation to the administration by such Commissioner of the Department of Government Tram and Omnibus Services, and to any power, authority,
10 duty or function which may be exercised or performed by or on behalf of such Commissioner and to the exercise and performance of any such power, authority, duty or function, all the privileges, protections and immunities
15 which, immediately before the commencement of this Act, were had and enjoyed by or provided for The Commissioner for Road Transport and Tramways.

- (3) This section shall not be construed so as to
20 prejudice or limit any privilege, protection or immunity which is, by the operation of any Act, had and enjoyed by or provided for The Director of Transport and Highways or The Commissioner for Government Tram and Omnibus Services.

- 25 **18.** In the application of this Act to and in respect of sections one hundred and fifty-eight to one hundred and sixty-three, both inclusive, of the Transport Act, 1930, as amended by subsequent Acts—

- 30 (a) The Director of Transport and Highways shall, without prejudice to the generality of subsection three of section three of this Act, have and exercise the power to determine that a route in respect of which a service license has been granted should be discontinued or that such
35 route should in the public interest be operated by The Commissioner for Government Tram and Omnibus Services;

Powers of Director and Commissioner for Government Tram and Omnibus Services in respect of discontinuance of privately-owned omnibus services, &c.

(b)

Transport (Division of Functions) Amendment.

- 5 (b) The Commissioner for Government Tram and Omnibus Services shall be the authority to which notice to purchase under section one hundred and fifty-eight aforesaid shall be given and upon which the obligation to purchase the motor omnibuses, plant and lands, and all powers and obligations in relation thereto shall devolve.

10 **19.** (1) In the application of section one hundred and thirteen of the Transport Act, 1930, as amended by sub-
sequent Acts, to and in respect of officers in the service of The Director of Transport and Highways or of The Commissioner for Government Tram and Omnibus Services, such section shall be read and construed as if the words "in the branch" were omitted therefrom.

Secs. 113
and 114 of
Transport
Act, 1930.

- 15 (2) Notwithstanding subsection three of section one hundred and fourteen of the Transport Act, 1930, as amended by subsequent Acts, the fees and expenses of the Appeal Board constituted under that section shall be paid by The Director of Transport and Highways and
20 The Commissioner for Government Tram and Omnibus Services in such proportions and out of such funds as the Minister may determine.

- 25 **20.** (1) The officers and employees of the Department of Road Transport and Tramways who, immediately before the commencement of this Act, were employed in that Department exclusively in connection with the administration of any power, authority, duty or function of The Commissioner for Road Transport and Tramways which by this Act is required or permitted
30 to be exercised and performed by The Director of Transport and Highways shall become and be officers and employees of the Department of Transport and Highways.

Officers and
employees
of the
Director of
Transport
and
Highways.

- 35 (2) For the purposes of this Act, The Director of Transport and Highways may by arrangement with The Commissioner for Railways, The Commissioner for

Main

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Main Roads, The Commissioner for Government Tram and Omnibus Services or the Public Service Board transfer to the Department of Transport and Highways, or make use of the services of, any officer or employee of
5 such other Commissioner or of the Public Service, as the case may be.

(3) Any officer or employee transferred to the Department of Transport and Highways under the foregoing provisions of this section who, at the time of his
10 transfer or at any time prior thereto, was an officer of the Public Service or an officer or employee of the Department of Railways, the Department of Main Roads, the Department of Road Transport and Tramways or the Department of Government Tram and
15 Omnibus Services, 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 be entitled to receive any annual, sick, deferred or extended leave, and any privileges, and any
20 payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, or an officer or employee of any of such Departments, as the case may be, and his service under this Act shall be deemed to be
25 service for the purposes aforesaid.

(4) Any officer or employee transferred to the Department of Transport and Highways under the foregoing provisions of this section who, at the time of his transfer or at any time prior thereto, was an officer of
30 the Public Service or an officer or employee of the Department of Railways, the Department of Main Roads, the Department of Road Transport and Tramways or the Department of Government Tram and Omnibus Services, and was not a contributor to a superannuation fund or
35 account, shall be entitled to receive any annual, sick, deferred or extended leave, and any privileges, and any payment or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, or an officer or employee of
any

Transport (Division of Functions) Amendment.

any of such Departments, as the case may be, and his service under this Act shall be deemed to be service for the purposes aforesaid.

21. (1) The officers and employees of the Department of Road Transport and Tramways who, immediately before the commencement of this Act, were employed in that Department and who are not by the operation of subsection one of section twenty of this Act transferred to the Department of Transport and Highways shall become and be officers and employees of the Department of Government Tram and Omnibus Services.

Officers and employees of The Commissioner for Government Tram and Omnibus Services.

(2) For the purposes of this Act, The Commissioner for Government Tram and Omnibus Services may by arrangement with The Commissioner for Railways, The Commissioner for Main Roads, The Director of Transport and Highways or the Public Service Board transfer to the Department of Government Tram and Omnibus Services, or make use of the services of, any officer or employee of such other Commissioner or of such Director or of the Public Service, as the case may be.

(3) Any officer or employee transferred to the Department of Government Tram and Omnibus Services under the foregoing provisions of this section who, at the time of his transfer or at any time prior thereto, was an officer of the Public Service or an officer or employee of the Department of Railways, the Department of Main Roads, the Department of Road Transport and Tramways or the Department of Transport and Highways, 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 be entitled to receive any annual, sick, deferred or extended leave, and any privileges, and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, or an officer or employee of any of such Departments, as the case may be, and his service under this Act shall be deemed to be service for the purposes aforesaid.

Transport (Division of Functions) Amendment.

(4) Any officer or employee transferred to the Department of Government Tram and Omnibus Services under the foregoing provisions of this section who, at the time of his transfer or at any time prior thereto, was
 5 an officer of the Public Service or an officer or employee of the Department of Railways, the Department of Main Roads, the Department of Road Transport and Tramways or the Department of Transport and Highways, and was not a contributor to a superannuation fund or
 10 account, shall be entitled to receive any annual, sick, deferred or extended leave, and any privileges, and any payment or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, or an officer or employee of
 15 any of such Departments, as the case may be, and his service under this Act shall be deemed to be service for the purposes aforesaid.

22. (1) The Public Service Act, 1902, as amended by subsequent Acts, shall not apply to the appointment or
 20 employment of any officer or employee of the Department of Transport and Highways or the Department of Government Tram and Omnibus Services.

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
 25 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. Where any condition of employment of any officer or employee transferred to the Department of Transport and Highways or the Department of Government Tram and Omnibus Services pursuant to section twenty or section twenty-one of this Act is, at the date of his
 30 transfer, regulated by an award or industrial agreement, such condition shall continue to be so regulated until

Awards and industrial agreements to apply to transferred officers and employees.

an

Transport (Division of Functions) Amendment.

an award by which The Director of Transport and Highways or The Commissioner for Government Tram and Omnibus Services, as the case may be, is bound is made by an authority of competent jurisdiction, or such condition is regulated by an industrial agreement to which such Director or such Commissioner, as the case may be, is a party.

24. (1) The Transport and Highways Act, 1950, is amended—

Amendment of Act No. 10, 1950.
Sec. 3.
(Constitution of Commission.)

10 (a) by omitting from paragraph (d) of subsection three of section three the words "the Commissioner for Road Transport and Tramways" and by inserting in lieu thereof the words "the Commissioner for Government Tram and Omnibus Services";

15 (b) (i) by inserting in paragraph (g) of subsection five of section four after the word "Commission" the words "the Director of Transport and Highways in relation to the performance and exercise of the powers, authorities, duties and functions conferred and imposed upon such Director by or under the Transport (Division of Functions) Amendment Act, 1952";

Sec. 4.
(Director of Transport and Highways.)

20 (ii) by omitting from the same paragraph the words "the Commissioner for Road Transport and Tramways" and by inserting in lieu thereof the words "the Commissioner for Government Tram and Omnibus Services";

25 (iii) by omitting from paragraphs (a) and (b) of subsection seven of the same section the words "is divided under the Transport (Division of Functions) Act, 1932-1947" wherever occurring and by inserting in lieu thereof the words "is or was divided under the Transport (Division of Functions) Act, 1932-1947, or the Transport (Division of Functions) Amendment Act, 1952";

(iv)

Transport (Division of Functions) Amendment.

- 5 (iv) by inserting in paragraph (e) of the same subsection after the figures "1947" where firstly occurring the words "and the Transport (Division of Functions) Amendment Act, 1952";
- 10 (c) (i) by inserting in subsections two and three of section seven after the figures "1947" wherever occurring the words "and the Transport (Division of Functions) Amendment Act, 1952"; Sec. 7. (Officers and servants.)
- 15 (ii) by omitting from subsections four and five of the same section the words "is divided under the Transport (Division of Functions) Act, 1932-1947" wherever occurring and by inserting in lieu thereof the words "is or was divided under the Transport (Division of Functions) Act, 1932-1947, or the Transport (Division of Functions) Amendment Act, 1952";
- 20 (d) (i) by inserting in subsection one of section eight after the word "Commission" wherever occurring the words "or the Director"; Sec. 8. (Powers of Commission.)
- 25 (ii) by inserting in the same subsection after the figures "1947" wherever occurring the words "and the Transport (Division of Functions) Amendment Act, 1952";
- 30 (iii) by inserting in paragraph (b) of the same subsection after the word "its" the words "or his";
- 35 (iv) by omitting from paragraph (g) of the same subsection the words "the Commissioner for Road Transport and Tramways" and by inserting in lieu thereof the words "the Commissioner for Government Tram and Omnibus Services";
- (v) by omitting from subsection two of the same section the words "the Commissioner for Road Transport and Tramways" and by inserting

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- inserting in lieu thereof the words "the Commissioner for Government Tram and Omnibus Services";
- 5 (vi) by inserting in the same subsection after the word "Commission" the words "or the Director";
- (vii) by inserting in the same subsection after the word "it" where secondly occurring the words "or him";
- 10 (e) (i) by inserting in subsection one of section nine after the figures "1947" wherever occurring the words "and the Transport (Division of Functions) Amendment Act, 1952"; Sec. 9. (Powers of inspection, etc.
- 15 (ii) by omitting from subsection two of the same section the words "the Commissioner for Road Transport and Tramways" and by inserting in lieu thereof the words "the Commissioner for Government Tram and Omnibus Services";
- 20 (iii) by inserting next after the same subsection the following new subsection:—
- (3) The Commission may, for the purposes of this Act, at any time and from time to time require the Director of Transport and Highways in relation to the performance and exercise of the powers, authorities, duties and functions conferred and imposed upon such Director by or under the Transport (Division of Functions) Amendment Act, 1952, to furnish all such information, particulars and records as the Commission may require.
- 25
- 30
- 35 (f) by omitting subsection two of section eleven and by inserting in lieu thereof the following subsection:— Sec. 11. (Contributions by certain authorities towards expenses of administration.)
- (2) The Commissioner for Railways, the Commissioner for Government Tram and Omnibus Services, the Commissioner for Main Roads, the

Transport (Division of Functions) Amendment.

the Maritime Services Board of New South Wales and the Director of Transport and Highways in relation to the performance and exercise by such Director of the powers, authorities, duties and functions conferred and imposed upon such Director by or under the Transport (Division of Functions) Amendment Act, 1952, shall make such contributions towards the amount so expended in any period of twelve months referred to in subsection one of this section as the Colonial Treasurer may determine.

Different contributions may be determined in respect of each of the persons abovementioned.

Such contributions shall be payable in such manner and at such times as the Colonial Treasurer may determine.

(g) by inserting next after section thirteen the following new sections:—

New secs.
14 and 15.

14. (1) The Governor may, by regulations made under this Act, declare that, as from a date to be specified in the regulations, the provisions of Parts XI and XII of the Transport Act, 1930, as amended by subsequent Acts, or such of those provisions as may be specified in the regulations shall, subject to the modifications and adaptations referred to in subsection two of this section, apply to and in respect of officers and employees (including the secretary) appointed pursuant to section seven of this Act.

Application of certain provisions of the Transport Act, 1930, to officers and employees under this Act.

(2) The regulations shall, by reference to sections, subsections or otherwise, set out the provisions so declared to apply with such modifications and adaptations as the Governor deems necessary for the purpose of such application.

Transport (Division of Functions) Amendment.

15. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

(2) The regulations shall—

(a) be published in the Gazette;

(b) take effect from the date of such publication or from a later date to be specified in the regulations;

(c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(2) The Transport and Highways Act, 1950, as amended by this Act, may be cited as the Transport and Highways Act, 1950-1952.

25. (1) The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts, is amended—

(a) by inserting at the end of subsection one of section eight the following new paragraph:—

After the commencement of the Transport (Division of Functions) Amendment Act, 1952, no appointment of an Assistant Commissioner for Railways shall be made pursuant to this subsection.

Amendment of Act No. 31, 1932.
Sec. 8.
(Appointment and powers of Assistant Commissioners.)

(b)

Transport (Division of Functions) Amendment.

(b) by omitting subsection two of section twenty-four.

Sec. 24.
(Powers of
Commissioner in
respect of
officers and
employees.)

(2) The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts and by this Act,
5 may be cited as the Transport (Division of Functions) Act, 1932-1952.

No. , 1952.

A BILL

To provide for the appointment of a Commissioner for Government Tram and Omnibus Services; to provide for the exercise and discharge by such Commissioner of certain of the powers, authorities, duties and functions which were formerly exercised and discharged by The Commissioner for Road Transport and Tramways; to transfer the other powers, authorities, duties and functions which were formerly exercised and discharged by The Commissioner for Road Transport and Tramways to the Director of Transport and Highways, and to provide for their exercise and discharge by the Director of Transport and Highways; for these and other purposes to amend the Transport and Highways Act, 1950, the Transport Act, 1930, and certain other Acts; and for purposes connected therewith.

[MR. SHEAHAN;—25 *March*, 1952.]

Transport (Division of Functions) Amendment.

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 "Transport (Division of Functions) Amendment Act, 1952."

Short title and commencement.

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

2. (1) The Department of Road Transport and Tramways is hereby divided into two departments as follows:—

Division of Department of Road Transport and Tramways.

(a) the Department of Transport and Highways, which shall be administered by The Director of Transport and Highways; and

(b) the Department of Government Tram and Omnibus Services, which shall be administered by The Commissioner for Government Tram and Omnibus Services.

(2) (a) The Department of Transport and Highways may be divided into such branches or sections as may be determined by The Director of Transport and Highways.

(b) The Department of Government Tram and Omnibus Services may be divided into such branches or sections as may be determined by The Commissioner for Government Tram and Omnibus Services.

3. (1) For the purpose of the exercise and performance of the powers, authorities, duties and functions conferred and imposed upon him by this Act, and of the administration of the Department of Transport and Highways, the Director of Transport and Highways shall be a body corporate under the name of "The Director of Transport and Highways."

Director of Transport and Highways.

(2) For the purposes of any Act, the corporation constituted under subsection one of this section shall be deemed a statutory body representing the Crown.

(3)

Transport (Division of Functions) Amendment.

(3) The Director of Transport and Highways shall exercise and perform the powers, authorities, duties and functions which, immediately before the commencement of this Act, were exercised and performed by The
5 Commissioner for Road Transport and Tramways other than the powers, authorities, duties and functions conferred and imposed upon The Commissioner for Government Tram and Omnibus Services by or under subsection three of section four of this Act.

10 (4) In the exercise and performance of the powers, authorities, duties and functions conferred and imposed upon The Director of Transport and Highways by or under this or any other Act such Director shall be subject to the direction and control of the Minister.

15 **4.** (1) For the purpose of the exercise and performance of the powers, authorities, duties and functions conferred and imposed upon him by this Act, and of the administration of the Department of Government Tram
and Omnibus Services, the Commissioner for Government
20 Tram and Omnibus Services shall be a body corporate under the name of "The Commissioner for Government Tram and Omnibus Services."

The
Commis-
sioner for
Govern-
ment
Tram and
Omnibus
Services.

(2) For the purposes of any Act, the corporation constituted under subsection one of this section shall be
25 deemed a statutory body representing the Crown.

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

(a) motor omnibuses and motor omnibus services other than—

- 35 (i) privately-owned motor omnibuses and motor omnibus services; and
- (ii) without limiting the generality of subparagraph (i) of this paragraph, the registration of motor omnibuses, other than

Transport (Division of Functions) Amendment.

than privately-owned omnibuses, and the licensing of the drivers and conductors thereof;

(b) tramways; and

5 (c) 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) In the exercise and performance of the powers, 10 authorities, duties and functions conferred and imposed upon The Commissioner for Government Tram and Omnibus Services by or under this or any other Act, such Commissioner shall be subject to the direction and control of the Minister.

15 5. (1) The person for the time being holding the office of Director of Transport and Highways under the Transport and Highways Act, 1950, shall be the Director of Transport and Highways under this Act.

Offices of
Director of
Transport
and
Highways
and
Commis-
sioner for
Government
Tram and
Omnibus
Services.

(2) The Commissioner for Government Tram and 20 Omnibus Services shall be appointed by the Governor, shall, subject to this Act, hold office for a term of seven years and shall be eligible for reappointment.

(3) The person who immediately before the com-
mencement of this Act held the office of Commissioner for
25 Road Transport and Tramways shall, as from such
commencement, be deemed to have been appointed under
subsection two of this section as Commissioner for
Government Tram and Omnibus Services but shall hold
office for the balance of the term for which he was
30 appointed Commissioner for Road Transport and Tram-
ways and shall continue to receive salary at a rate not
less than the rate at which salary was payable to him
immediately before the commencement of this Act.

(4) The salary of the Commissioner for Govern-
35 ment Tram and Omnibus Services shall be fixed by the
Governor at the time of his appointment and shall not
be reduced during his term of office.

(5)

Transport (Division of Functions) Amendment.

(5) The Director of Transport and Highways and the Commissioner for Government Tram and Omnibus Services shall be paid such fees and allowances as may from time to time be fixed by the Governor.

- 5 **6.** (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, the Ministry of Transport Act, 1932, the Transport (Division of Functions) Act, 1932, or the Transport and Highways Act, 1950, or any Act amending those Acts to any person appointed as Commissioner for Government Tram and Omnibus Services under this Act, who
 10 at the time of his appointment, or at any time previously thereto, was an officer of the Public Service, the Department of Railways, the Department of Road Transport and Tramways, the Department of Main Roads, the Department of Transport and Highways or
 15 the Department of Government Tram and Omnibus Services.

Savings of
rights.
cf. Act No.
31, 1932,
s. 9.

- (2) Any person appointed as Commissioner for Government Tram and Omnibus Services under this Act who, at any time prior to his appointment, held
 25 office under 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, 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
 30 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

Transport (Division of Functions) Amendment.

For such purpose his service in any office under any Act, and his service as Commissioner for Government Tram and Omnibus Services under this Act, shall be deemed to be service for the purposes of such Act.

5 (3) If such 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.

10 (4) Any such 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
15 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
20 have become payable in pursuance of the Act under which the fund or account to which his contributions have been made is administered.

25 (5) Any officer of the Public Service, or of the Department of Railways, the Department of Main Roads, the Department of Transport and Highways or the Department of Government Tram and Omnibus Services, appointed as Commissioner for Government Tram and Omnibus Services under this Act, shall continue to contribute to any fund or account, and shall be entitled to
30 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, the Superannuation Act, 1916, the Government Railways Act, 1912, the Main Roads Act, 1924, or the Transport
35 Act, 1930, or any Act amending those Acts, as the case may be, and for such purposes his service as Commissioner for Government Tram and Omnibus Services shall be deemed to be service for the purposes of such Acts.

Transport (Division of Functions) Amendment.

7. The provisions of the Public Service Act, 1902, shall not apply to the appointment of a Commissioner for Government Tram and Omnibus Services.

Public
Service Act,
1902, not
to apply
to certain
appoint-
ments.

8. The Commissioner for Government Tram and Omnibus Services may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided:—

Suspension
or removal
from
office.

(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) The Commissioner for Government Tram and Omnibus Services 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 such Commissioner ought to be removed from office, and if each House of Parliament within the said time does so declare, such Commissioner shall be removed by the Governor accordingly.

9. The Commissioner for Government Tram and Omnibus Services shall be deemed to have vacated his office if he—

Vacation
of office.

(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)

Transport (Division of Functions) Amendment.

- (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 the Transport (Division of Functions) Act, 1932, as amended by subsequent Acts, or The Director of Transport and Highways or The Commissioner for Government Tram and Omnibus Services, or in any wise participates or claims to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom.

10. (1) In case of the illness, suspension, or absence of the Commissioner for Government Tram and Omnibus Services appointed under this Act, the Governor may appoint a person to be the deputy of such 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.

Appoint-
ment of
deputy.

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

11. (1) Upon the commencement of this Act, The Commissioner for Road Transport and Tramways shall cease to function, and the powers, authorities, duties and functions, including the power to recommend or concur in the making of regulations, conferred or imposed upon The Commissioner for Road Transport and Tramways by

Transfer
of
functions.

or

Transport (Division of Functions) Amendment.

or under any Act shall be exercised and performed by The Director of Transport and Highways and The Commissioner for Government Tram and Omnibus Services under and in accordance with the provisions of this Act.

- 5 (2) Upon such commencement the Commissioner for Road Transport and Tramways shall cease to hold office.

- 10 **12.** (1) Where any matter or thing has been commenced by or under the authority of The Commissioner for Road Transport and Tramways it may be carried on and completed by or under the authority of the body corporate constituted 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.

- 15 (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 Commissioner for Road Transport and Tramways may be continued by or against the body corporate constituted 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.

- 25 (3) All moneys and liquidated or unliquidated claims which immediately before the commencement of this Act are payable to or recoverable by The Commissioner for Road Transport and Tramways shall be moneys and liquidated or unliquidated claims payable to or recoverable by the body corporate constituted 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.

- 35 (4) All contracts, agreements, and undertakings entered into with, and all securities lawfully given to or by The Commissioner for Road Transport and Tramways 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

Transport (Division of Functions) Amendment.

given to or by the body corporate constituted 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
5 given.

(5) Each such body corporate 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 Commissioner for Road Trans-
10 port and Tramways might have done but for this Act.

(6) Each such body corporate 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
15 were existing in favour of such body corporate.

(7) All debts due and moneys payable by and all claims liquidated and unliquidated recoverable against The Commissioner for Road Transport and Tramways shall be debts due and moneys payable by and
20 claims recoverable against the body corporate constituted 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 Metropolitan Traffic Act, 1900, the Motor Traffic Act, 1909, the Transport Act, 1930, the State Transport (Co-ordination) Act,
30 1931, the Motor Tax Management Act, 1914, or the Motor Vehicles Taxation Management Act, 1949, 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
35 replaced by subsequent by-laws, regulations, or ordinances, as the case may be.

(b)

Transport (Division of Functions) Amendment.

(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.

13. The funds vested in and administered by The Funds.
10 Commissioner for Road Transport and Tramways, and the funds administered by that Commissioner, shall be vested in and administered by, or administered by, as the case may be, the respective bodies corporate constituted under this Act to exercise and perform the
15 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 Commissioner for Road Transport and Tramways.

20 **14.** (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 Commissioner for Road Transport and Tramways shall, subject to subsection two of this section, be transferred to and vested in the respective bodies corporate constituted 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 Commissioner
25 for Road Transport and Tramways. Vesting of lands, etc.
30

(2) (a) Any right title and interest of The Commissioner for Road Transport and Tramways in the land on which the administrative building known as 99 Macquarie-street, Sydney, is erected and in the
35 vacant land adjoining that building, shall vest in The Commissioner for Government Tram and Omnibus Services.

(b)

Transport (Division of Functions) Amendment.

(b) Where any part of the property referred to in this subsection is used or occupied by the Department of Transport and Highways, The Director of Transport and Highways shall pay to The Commissioner 5 for Government Tram and Omnibus Services such sum or sums as the Minister may determine and such Commissioner shall allocate and apply the sum or sums so paid in such manner as the Minister may determine.

(3) The body corporate constituted under this 10 Act in whom any such property is vested shall assume such of the liabilities and obligations of The Commissioner for Road Transport and Tramways as were incurred in respect of the property so vested.

(4) No attornment by a lessee of any land trans- 15 ferred under this section shall be necessary.

15. The Commissioner for Government Tram and Omnibus Services shall assume the capital indebtedness to the State of The Commissioner for Road Transport and Tramways as subsisting immediately before the 20 commencement of this Act. Capital indebtedness.

16. If any doubt or dispute arises as to which of the 25 bodies corporate constituted 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 Commissioner for Road Transport and Tramways or if any dispute arises 30 between such bodies corporate out of the exercise or performance of any such power, authority, duty, or function, or as to their respective rights or liabilities, any such body corporate may refer the matter to the Minister. Disputes.

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

17.

Transport (Division of Functions) Amendment.

17. (1) 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 The Commissioner for Road Transport and Tramways shall be read, deemed and taken to refer to—

Construc-
tion of
Acts, etc.

(a) The Director of Transport and Highways—where, and in so far as, such Act, by-law, regulation, ordinance, instrument or document relates to or in any way affects or concerns the Department of Transport and Highways or the administration of that Department;

(b) The Commissioner for Government Tram and Omnibus Services—where, and in so far as, such Act, by-law, regulation, ordinance, instrument or document relates to or in any way affects or concerns the Department of Government Tram and Omnibus Services or the administration of that Department.

(2) Without prejudice to the generality of subsection one of this section—

(a) Any reference of the nature referred to in that subsection may, pursuant to that subsection, be read, deemed and taken to refer to The Director of Transport and Highways or The Commissioner for Government Tram and Omnibus Services or to both of them at the same or different times, as the case may require;

(b) The Director of Transport and Highways shall have and enjoy, in relation to the administration by such Director of the Department of Transport and Highways, and to any power, authority, duty or function which may be exercised or performed by or on behalf of such Director and to the exercise and performance of any such power, authority, duty or function, all the privileges, protections, and immunities

which

Transport (Division of Functions) Amendment.

which, immediately before the commencement of this Act, were had and enjoyed by or provided for The Commissioner for Road Transport and Tramways;

- 5 (c) The Commissioner for Government Tram and Omnibus Services shall have and enjoy, in relation to the administration by such Commissioner of the Department of Government Tram and Omnibus Services, and to any power, authority, 10 duty or function which may be exercised or performed by or on behalf of such Commissioner and to the exercise and performance of any such power, authority, duty or function, all the privileges, protections and immunities 15 which, immediately before the commencement of this Act, were had and enjoyed by or provided for The Commissioner for Road Transport and Tramways.

- (3) This section shall not be construed so as to 20 prejudice or limit any privilege, protection or immunity which is, by the operation of any Act, had and enjoyed by or provided for The Director of Transport and Highways or The Commissioner for Government Tram and Omnibus Services.

- 25 **18.** In the application of this Act to and in respect of sections one hundred and fifty-eight to one hundred and sixty-three, both inclusive, of the Transport Act, 1930, as amended by subsequent Acts—

- 30 (a) The Director of Transport and Highways shall, without prejudice to the generality of subsection three of section three of this Act, have and exercise the power to determine that a route in respect of which a service license has been granted should be discontinued or that such 35 route should in the public interest be operated by The Commissioner for Government Tram and Omnibus Services;

Powers of Director and Commissioner for Government Tram and Omnibus Services in respect of discontinuance of privately-owned omnibus services, &c.

(b)

Transport (Division of Functions) Amendment.

- 5 (b) The Commissioner for Government Tram and Omnibus Services shall be the authority to which notice to purchase under section one hundred and fifty-eight aforesaid shall be given and upon which the obligation to purchase the motor omnibuses, plant and lands, and all powers and obligations in relation thereto shall devolve.

10 **19.** (1) In the application of section one hundred and thirteen of the Transport Act, 1930, as amended by sub-
sequent Acts, to and in respect of officers in the service of The Director of Transport and Highways or of The Commissioner for Government Tram and Omnibus Services, such section shall be read and construed as if the words "in the branch" were omitted therefrom.

Secs. 113
and 114 of
Transport
Act, 1930.

- 15 (2) Notwithstanding subsection three of section one hundred and fourteen of the Transport Act, 1930, as amended by subsequent Acts, the fees and expenses of the Appeal Board constituted under that section shall be paid by The Director of Transport and Highways and
20 The Commissioner for Government Tram and Omnibus Services in such proportions and out of such funds as the Minister may determine.

25 **20.** (1) The officers and employees of the Department of Road Transport and Tramways who, immediately before the commencement of this Act, were employed in that Department exclusively in connection with the administration of any power, authority, duty or function of The Commissioner for Road Transport and Tramways which by this Act is required or permitted
30 to be exercised and performed by The Director of Transport and Highways shall become and be officers and employees of the Department of Transport and Highways.

Officers and
employees
of the
Director of
Transport
and
Highways.

- 35 (2) For the purposes of this Act, The Director of Transport and Highways may by arrangement with The Commissioner for Railways, The Commissioner for

Main

Transport (Division of Functions) Amendment.

Main Roads or The Commissioner for Government Tram and Omnibus Services transfer to the Department of Transport and Highways, or make use of the services of, any officer or employee of such other Commissioner.

- 5 (3) Any officer or employee transferred to the Department of Transport and Highways under the foregoing provisions of this section who, at the time of his transfer or at any time prior thereto, was an officer of the Public Service or an officer or employee of the
10 Department of Railways, the Department of Main Roads, the Department of Road Transport and Tramways or the Department of Government Tram and Omnibus Services, and was a contributor to a superannuation fund or account, may continue as a contributor
15 or resume and continue contributions to such fund or account, and shall be entitled to receive any annual, sick, deferred or extended leave, and any privileges, and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act,
20 1902, as amended by subsequent Acts, or an officer or employee of any of such Departments, as the case may be, and his service under this Act shall be deemed to be service for the purposes aforesaid.

21. (1) The officers and employees of the Department of Road Transport and Tramways who, immediately before the commencement of this Act, were employed in that Department and who are not by the operation of subsection one of section twenty of this Act transferred to the Department of Transport and Highways shall
25 become and be officers and employees of the Department of Government Tram and Omnibus Services.

Officers and employees of The Commissioner for Government Tram and Omnibus Services.

- (2) For the purposes of this Act, The Commissioner for Government Tram and Omnibus Services may by arrangement with The Commissioner for Railways,
35 The Commissioner for Main Roads or The Director of Transport and Highways transfer to the Department of Government Tram and Omnibus Services, or make use of the services of, any officer or employee of such other Commissioner or of such Director, as the case may be.

(3)

Transport (Division of Functions) Amendment.

(3) Any officer or employee transferred to the Department of Government Tram and Omnibus Services under the foregoing provisions of this section who, at the time of his transfer or at any time prior thereto, was an officer of the Public Service or an officer or employee of the Department of Railways, the Department of Main Roads, the Department of Road Transport and Tramways or the Department of Transport and Highways, 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 be entitled to receive any annual, sick, deferred or extended leave, and any privileges, and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, or an officer or employee of any of such Departments, as the case may be, and his service under this Act shall be deemed to be service for the purposes aforesaid.

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 Transport and Highways or the Department of Government Tram and Omnibus Services.

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. Where any condition of employment of any officer or employee transferred to the Department of Transport and Highways or the Department of Government Tram and Omnibus Services pursuant to section twenty or section twenty-one of this Act is, at the date of his transfer, regulated by an award or industrial agreement, such condition shall continue to be so regulated until

Awards and industrial agreements to apply to transferred officers and employees.

Transport (Division of Functions) Amendment.

an award by which The Director of Transport and Highways or The Commissioner for Government Tram and Omnibus Services, as the case may be, is bound is made by an authority of competent jurisdiction, or such condition is regulated by an industrial agreement to which such Director or such Commissioner, as the case may be, is a party.

24. (1) The Transport and Highways Act, 1950, is amended—

Amendment of Act No. 10, 1950.
Sec. 3.
(Constitution of Commission.)

10 (a) by omitting from paragraph (d) of subsection three of section three the words "the Commissioner for Road Transport and Tramways" and by inserting in lieu thereof the words "the Commissioner for Government Tram and Omnibus Services";

15 (b) (i) by inserting in paragraph (g) of subsection five of section four after the word "Commission" the words "the Director of Transport and Highways in relation to the performance and exercise of the powers, authorities, duties and functions conferred and imposed upon such Director by or under the Transport (Division of Functions) Amendment Act, 1952";

Sec. 4.
(Director of Transport and Highways.)

25 (ii) by omitting from the same paragraph the words "the Commissioner for Road Transport and Tramways" and by inserting in lieu thereof the words "the Commissioner for Government Tram and Omnibus Services";

30 (iii) by omitting from paragraphs (a) and (b) of subsection seven of the same section the words "is divided under the Transport (Division of Functions) Act, 1932-1947" wherever occurring and by inserting in lieu thereof the words "is or was divided under the Transport (Division of Functions) Act, 1932-1947, or the Transport (Division of Functions) Amendment Act, 1952";

(iv)

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- 5 (iv) by inserting in paragraph (e) of the same subsection after the figures "1947" where firstly occurring the words "and the Transport (Division of Functions) Amendment Act, 1952";
- 10 (c) (i) by inserting in subsections two and three of section seven after the figures "1947" wherever occurring the words "and the Transport (Division of Functions) Amendment Act, 1952"; Sec. 7. (Officers and servants.)
- 15 (ii) by omitting from subsections four and five of the same section the words "is divided under the Transport (Division of Functions) Act, 1932-1947" wherever occurring and by inserting in lieu thereof the words "is or was divided under the Transport (Division of Functions) Act, 1932-1947, or the Transport (Division of Functions) Amendment Act, 1952";
- 20 (d) (i) by inserting in subsection one of section eight after the word "Commission" wherever occurring the words "or the Director"; Sec. 8. (Powers of Commission.)
- 25 (ii) by inserting in the same subsection after the figures "1947" wherever occurring the words "and the Transport (Division of Functions) Amendment Act, 1952";
- 30 (iii) by inserting in paragraph (b) of the same subsection after the word "its" the words "or his";
- 35 (iv) by omitting from paragraph (g) of the same subsection the words "the Commissioner for Road Transport and Tramways" and by inserting in lieu thereof the words "the Commissioner for Government Tram and Omnibus Services";
- (v) by omitting from subsection two of the same section the words "the Commissioner for Road Transport and Tramways" and by inserting

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inserting in lieu thereof the words “the Commissioner for Government Tram and Omnibus Services”;

5 (vi) by inserting in the same subsection after the word “Commission” the words “or the Director”;

(vii) by inserting in the same subsection after the word “it” where secondly occurring the words “or him”;

10 (c) (i) by inserting in subsection one of section nine after the figures “1947” wherever occurring the words “and the Transport (Division of Functions) Amendment Act, 1952”;

Sec. 9.
(Powers of
inspection,
etc.)

15 (ii) by omitting from subsection two of the same section the words “the Commissioner for Road Transport and Tramways” and by inserting in lieu thereof the words “the Commissioner for Government Tram and Omnibus Services”;

20 (iii) by inserting next after the same subsection the following new subsection:—

25 (3) The Commission may, for the purposes of this Act, at any time and from time to time require the Director of Transport and Highways in relation to the performance and exercise of the powers, authorities, duties and functions conferred and imposed upon such Director by or

30 under the Transport (Division of Functions) Amendment Act, 1952, to furnish all such information, particulars and records as the Commission may require.

35 (f) by omitting subsection two of section eleven and by inserting in lieu thereof the following subsection:—

Sec. 11.
(Contributions by
certain
authorities
towards
expenses
of admin-
istration.)

(2) The Commissioner for Railways, the Commissioner for Government Tram and Omnibus Services, the Commissioner for Main Roads, the

Transport (Division of Functions) Amendment.

5 the Maritime Services Board of New South
Wales and the Director of Transport and High-
ways in relation to the performance and exer-
cise by such Director of the powers, authorities,
duties and functions conferred and imposed
upon such Director by or under the Transport
(Division of Functions) Amendment Act, 1952,
shall make such contributions towards the
10 amount so expended in any period of twelve
months referred to in subsection one of this
section as the Colonial Treasurer may determine.

Different contributions may be determined
in respect of each of the persons abovementioned.

15 Such contributions shall be payable in such
manner and at such times as the Colonial
Treasurer may determine.

(g) by inserting next after section thirteen the following new sections:—

New secs.
14 and 15.

20 14. (1) The Governor may, by regulations
made under this Act, declare that, as from a
date to be specified in the regulations, the pro-
visions of Parts XI and XII of the Transport
Act, 1930, as amended by subsequent Acts, or
25 such of those provisions as may be specified in
the regulations shall, subject to the modifica-
tions and adaptations referred to in subsection
two of this section, apply to and in respect of
officers and employees (including the secretary)
30 appointed pursuant to section seven of this Act.

Application
of certain
provisions
of the
Transport
Act, 1930,
to officers
and
employees
under
this Act.

35 (2) The regulations shall, by reference
to sections, subsections or otherwise, set out
the provisions so declared to apply with such
modifications and adaptations as the Governor
deems necessary for the purpose of such appli-
cation.

Transport (Division of Functions) Amendment.

15. (1) The Governor may make regulations Regulations.
not inconsistent with this Act prescribing all
matters which by this Act are required or per-
mitted to be prescribed or which are necessary
or convenient to be prescribed for carrying out
or giving effect to this Act.

(2) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such
publication or from a later date
to be specified in the regulations;
- (c) be laid before both Houses of Par-
liament within fourteen sitting
days after publication if Parlia-
ment is in session, and if not, then
within fourteen sitting days after
the commencement of the next
session.

If either House of Parliament passes a
resolution of which notice has been given at
any time within fifteen sitting days after the
regulations have been laid before such House
disallowing any regulation or part thereof, such
regulation or part shall thereupon cease to have
effect.

(2) The Transport and Highways Act,
1950, as amended by this Act, may be cited as the Trans-
port and Highways Act, 1950-1952.

25. (1) The Transport (Division of Functions) Act, Amend-
ment of
Act No. 31,
1932.

30 1932, as amended by subsequent Acts, is amended—

- (a) by inserting at the end of subsection one of Sec. 8.
section eight the following new paragraph:— (Appoint-
ment and
powers of
Assistant
Commissioners.)

After the commencement of the Transport
(Division of Functions) Amendment Act, 1952,
no appointment of an Assistant Commissioner
for Railways shall be made pursuant to this
subsection.

(b)

Transport (Division of Functions) Amendment.

(b) by omitting subsection two of section twenty-four.

Sec. 24.
(Powers of
Commissioner in
respect of
officers and
employees.)

(2) The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts and by this Act,
5 may be cited as the Transport (Division of Functions) Act, 1932-1952.

