

*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.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 9 December, 1958.*

## New South Wales



ANNO SEPTIMO

# ELIZABETHÆ II REGINÆ

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Act No. , 1958.

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

*Government Railways and Transport (Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

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

Short title  
and  
citation.

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

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

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

Amendment  
of Act No.  
5, 1958.

(a) by omitting subsection two of section five;

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

(b) by omitting subsection two of section six.

(Conse-  
quential.)

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

Amendment  
of Act No.  
30, 1912.

20 (a) by inserting next after paragraph (b) of the proviso to subsection one of section 20B the following new paragraphs:—

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

25 (b1) Section one hundred and two is amended by the omission of the words "and upon the Crown Solicitor".

30 (b2) Section one hundred and three is amended by the omission of the words "by the Crown Solicitor he shall forward the same, together with his report thereon to the Constructing Authority, who shall thereupon" and by the substitution therefor of the words "the Constructing Authority shall".

(b)

*Government Railways and Transport (Amendment).*

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

Sec. 24.  
(Commis-  
sioners  
may  
demand  
tolls.)

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

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

Sec. 39.  
(Commis-  
sioners'  
quarterly  
report to  
Minister.)

(d) by omitting section eighty and by inserting in lieu thereof the following section :—

Substituted  
sec. 80.

15 80. (1) If any officer in any branch of the railway service is convicted of any felony or is sentenced to imprisonment for any term of or exceeding six months, or becomes bankrupt, or applies to take the benefit of a law for the relief of insolvent debtors, or by any deed or other writing compounds with his creditors, or makes an assignment of his salary for their benefit, the officer at the head of such branch may—

Officers  
convicted  
of felonies,  
or  
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etc.

(a) dismiss or suspend him ;

25 (b) reduce him in rank, position, or grade, and pay.

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

(3)

*Government Railways and Transport (Amendment).*

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

(e) by omitting section eighty-one;

Sec. 81.  
(Powers of  
Commissioners on  
vacation  
of offices.)

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

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

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

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

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

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

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

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

(h)

*Government Railways and Transport (Amendment).*

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

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

5 and by inserting in lieu thereof the following matter :—

Division 7—Officers in the Secretariat.

Division 8—Officers in the Stores Branch.

Division 9—Officers in the Finance Branch.

10 3. No appeal heard and determined before the commencement of this Act by a board constituted or purporting to have Validation.  
been constituted under section eighty-seven of the Government  
Railways Act, 1912, as amended by subsequent Acts, shall be  
deemed to have been invalidly heard and determined by  
15 reason only of the fact that one of the members of the board  
may have been an officer included in a Division mentioned  
in the Third Schedule to the said Act, as so amended, other  
than that to which the appellant belonged.

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

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

25 107. (1) If any officer in any branch of the service of the Commissioner for Government Transport or the Commissioner for Motor Transport is convicted of any felony or is sentenced to imprisonment for any term of or exceeding six months, or becomes bankrupt, or applies to take the benefit of a law for the relief of insolvent debtors, or by any deed or other writing compounds with his creditors, or makes an assignment of his salary for their benefit, the officer at the head of such branch may— Officers convicted of felonies, or imprisoned, etc.

(a) dismiss or suspend him,

30 (b) reduce him in rank position or grade and pay.

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

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

(b) by omitting section one hundred and eight ;

Sec. 108.  
(Powers of board on vacation of offices.)

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

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

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

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

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

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

Department of the Interior

The Board of Commissioners of the General Land Office has the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the application for a patent for the land described in the foregoing.

The Board has considered the same and has determined that the same should be referred to the proper authorities for their consideration. The Board has also determined that the same should be referred to the proper authorities for their consideration.

Very respectfully,  
Secretary of the Board

The Board of Commissioners of the General Land Office has the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the application for a patent for the land described in the foregoing.

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THE UNIVERSITY OF CHICAGO  
LIBRARY

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No. , 1958.

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## A BILL

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[Mr. ENTICKNAP;—27 November, 1958.]

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(b) by omitting subsection two of section six.

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missioners  
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25 (b1) Section one hundred and two is amended by the omission of the words "and upon the Crown Solicitor".

30 (b2) Section one hundred and three is amended by the omission of the words "by the Crown Solicitor he shall forward the same, together with his report thereon to the Constructing Authority, who shall thereupon" and by the substitution therefor of the words "the Constructing Authority shall".

(b)

*Government Railways and Transport (Amendment).*

- (b) by inserting at the end of section twenty-four the following new subsection :—
- Sec. 24.  
(Commissioners may demand tolls.)
- 5 (6) Where competition with the railways exists for the carriage of passengers the Commissioner may, notwithstanding anything in this Act contained, enter into special contracts for the carriage of passengers by special trains or otherwise at tolls or charges lower than the prescribed tolls or charges.
- (c) by omitting from subsection two of section thirty-nine the words "and four" and by inserting in lieu thereof the words ". four and six";
- 10 Sec. 39.  
(Commissioners' quarterly report to Minister.)
- (d) by omitting section eighty and by inserting in lieu thereof the following section :—
- Substituted sec. 80.
- 15 80. (1) If any officer in any branch of the railway service is convicted of any felony or is sentenced to imprisonment for any term of or exceeding six months, or becomes bankrupt, or applies to take the benefit of a law for the relief of insolvent debtors, or by any deed or other writing compounds with his creditors, or makes an assignment of his salary for their benefit, the officer at the head of such branch may—
- Officers convicted of felonies, or imprisoned, etc.
- 20 (a) dismiss or suspend him ;
- (b) reduce him in rank, position, or grade, and pay.
- 25
- (2) Every such officer so dealt with shall be notified in writing of the decision dismissing or suspending him or reducing him in rank, position, or grade, and pay, and may appeal from any such decision in the manner hereinafter provided.
- 30

(3)

*Government Railways and Transport (Amendment).*

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

(e) by omitting section eighty-one;

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 (Powers of  
 Commis-  
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 being informed of such decision, appeal from such  
 decision to the Commissioner.

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

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 (Record of  
 particulars  
 of railway  
 service to  
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(h)

*Government Railways and Transport (Amendment).*

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

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

5 and by inserting in lieu thereof the following matter :—

Division 7—Officers in the Secretariat.

Division 8—Officers in the Stores Branch.

Division 9—Officers in the Finance Branch.

10 **3.** No appeal heard and determined before the commencement of this Act by a board constituted or purporting to have been constituted under section eighty-seven of the Government Railways Act, 1912, as amended by subsequent Acts, shall be deemed to have been invalidly heard and determined by Validation.  
15 reason only of the fact that one of the members of the board may have been an officer included in a Division mentioned in the Third Schedule to the said Act, as so amended, other than that to which the appellant belonged.

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

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

25 107. (1) If any officer in any branch of the service of the Commissioner for Government Transport or the Commissioner for Motor Transport is convicted of any felony or is sentenced to imprisonment for any term of or exceeding six months, or becomes bankrupt, or applies to take the benefit of a law for the relief of insolvent debtors, or by any deed or other writing compounds with his creditors, or makes an assignment of his salary for their benefit, the officer at the head of such branch may— Officers convicted of felonies, or imprisoned, etc.

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

(b) by omitting section one hundred and eight;

Sec. 108.  
(Powers of board on vacation of offices.)

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

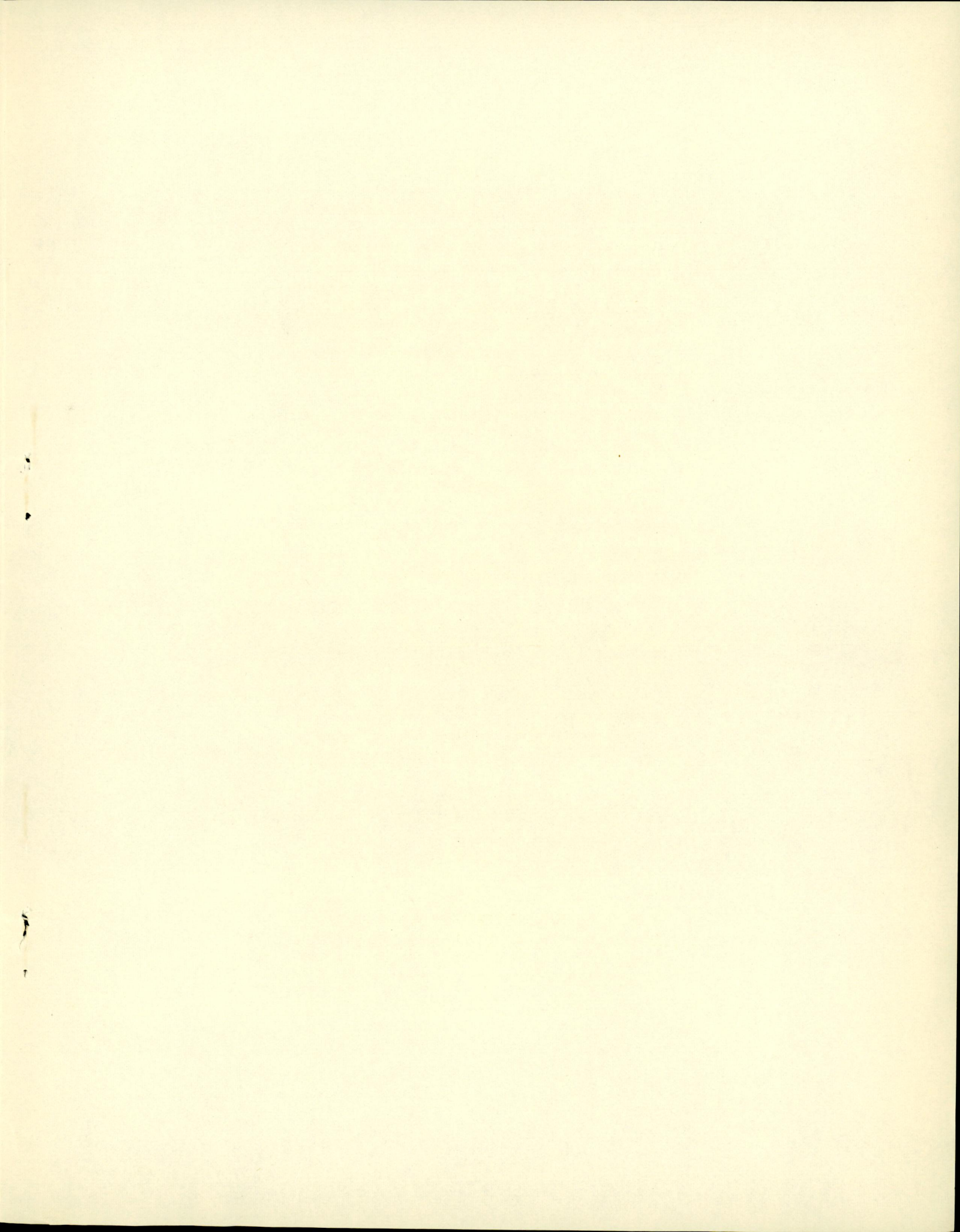
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30 in which event the appellant or person charged, as the case may require, may, within seven days after being informed of such decision, appeal from such decision to the Commissioner.







*PROOF*

**GOVERNMENT RAILWAYS AND TRANSPORT (AMENDMENT)  
BILL, 1958.**

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**EXPLANATORY NOTE.**

THE objects of this Bill are—

- (1) to repeal the provisions of the Government Railways Act and the Transport Act relating to vacation of office by officers who have been convicted of felonies or guilty of certain other conduct and to deal with them in like manner as officers who are guilty of misconduct ;
- (2) to enable any officer so dealt with to receive payment or part payment for any leave which may be forfeited by him if the Appeal Board so orders ;
- (3) in the case of any resumption for railway purposes to dispense with the need to serve on the Crown Solicitor a copy of notice of claim for compensation ;
- (4) to enable the Commissioner for Railways to make special contracts for the carriage of passengers by special train or otherwise at charges lower than the normal rate fixed by By-law under the Government Railways Act, where competition from other transport services makes it necessary to do so ;
- (5) to omit the requirement in the Government Railways Act to publish every three years a list of persons employed in the Railway service ;
- (6) to make provision for proper representations on the Railway Appeal Board of certain members of the wages staff of the Government Railways Department and to validate certain decisions of the board where such wages employees have been represented on the board in the past.

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[MR. ENTICKNAP;—27 November, 1958.]

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- (2) The Government Railways Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Government Railways Act, 1912-1958.
- (3) The Transport Act, 1930, as amended by subsequent Acts and by this Act, may be cited as the Transport Act, 1930-1958.
- (4) The Public Service and Other Statutory Bodies (Extended Leave) Act, 1958, is amended— Amendment of Act No. 5, 1958.
- (a) by omitting subsection two of section five; Secs. 5 (2) and 6 (2).
- (b) by omitting subsection two of section six. (Consequential.)
2. The Government Railways Act, 1912, as amended by subsequent Acts, is amended— Amendment of Act No. 30, 1912.
- 20 (a) by inserting next after paragraph (b) of the proviso to subsection one of section 20B the following new paragraphs :— Sec. 20B. (The Commissioners to be constructing authority for lines of railway and tramway.)
- 25 (b1) Section one hundred and two is amended by the omission of the words "and upon the Crown Solicitor".
- 30 (b2) Section one hundred and three is amended by the omission of the words "by the Crown Solicitor he shall forward the same, together with his report thereon to the Constructing Authority, who shall thereupon" and by the substitution therefor of the words "the Constructing Authority shall".
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5 (6) Where competition with the railways exists for the carriage of passengers the Commissioner may, notwithstanding anything in this Act contained, enter into special contracts for the carriage of passengers by special trains or otherwise at tolls or charges lower than the prescribed tolls or charges.

10 (c) by omitting from subsection two of section thirty-nine the words "and four" and by inserting in lieu thereof the words ". four and six";

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Substituted  
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ANNO SEPTIMO

# ELIZABETHÆ II REGINÆ

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## Act No. 41, 1958.

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

52049

[46.]

BE

*Government Railways and Transport (Amendment).*

**B**E 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  
citation.

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

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

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

Amendment  
of Act No.  
5, 1958.

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

Secs. 5 (2)  
and 6 (2).  
(Conse-  
quential.)

(a) by omitting subsection two of section five;

(b) by omitting subsection two of section six.

Amendment  
of Act No.  
30, 1912.

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

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

(a) by inserting next after paragraph (b) of the proviso to subsection one of section 20B the following new paragraphs:—

(b1) Section one hundred and two is amended by the omission of the words "and upon the Crown Solicitor".

(b2) Section one hundred and three is amended by the omission of the words "by the Crown Solicitor he shall forward the same, together with his report thereon to the Constructing Authority, who shall thereupon" and by the substitution therefor of the words "the Constructing Authority shall".

(b)

*Government Railways and Transport (Amendment).*

- (b) by inserting at the end of section twenty-four the following new subsection :—
- Sec. 24.  
(Commissioners may demand tolls.)
- (6) Where competition with the railways exists for the carriage of passengers the Commissioner may, notwithstanding anything in this Act contained, enter into special contracts for the carriage of passengers by special trains or otherwise at tolls or charges lower than the prescribed tolls or charges.
- (c) by omitting from subsection two of section thirty-nine the words “and four” and by inserting in lieu thereof the words “, four and six”;
- Sec. 39.  
(Commissioners’ quarterly report to Minister.)
- (d) by omitting section eighty and by inserting in lieu thereof the following section :—
- Substituted sec. 80.

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

Officers convicted of felonies, or imprisoned, etc.

(a) dismiss or suspend him;

(b) reduce him in rank, position, or grade, and pay.

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

(3)

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*Government Railways and Transport (Amendment).*

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

Sec. 81.

(Powers of Commissioners on vacation of offices.)

(e) by omitting section eighty-one;

Sec. 93.

(Effect of decision of board.)

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

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

- (a) punishment is imposed involving dismissal, or reduction of rank, position, grade or pay; or
- (b) the money value of the leave referred to in subsection three of section eighty of this Act is not ordered to be paid to the appellant or the money value of a part only thereof is ordered to be so paid.

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

Sec. 101.

(Record of particulars of railway service to be kept.)

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

(h)

*Government Railways and Transport (Amendment).*

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

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

and by inserting in lieu thereof the following matter :—

Division 7—Officers in the Secretariat.

Division 8—Officers in the Stores Branch.

Division 9—Officers in the Finance Branch.

3. No appeal heard and determined before the commencement of this Act by a board constituted or purporting to have been constituted under section eighty-seven of the Government Railways Act, 1912, as amended by subsequent Acts, shall be deemed to have been invalidly heard and determined by reason only of the fact that one of the members of the board may have been an officer included in a Division mentioned in the Third Schedule to the said Act, as so amended, other than that to which the appellant belonged. Validation.

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

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

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

(a) dismiss or suspend him,

(b) reduce him in rank position or grade and pay.

(2)

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*Government Railways and Transport (Amendment).*

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

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

**Sec. 108.**

(Powers of board on vacation of offices.)

(b) by omitting section one hundred and eight;

**Sec. 115F.**

(Effect of decision of board.)

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

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

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

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

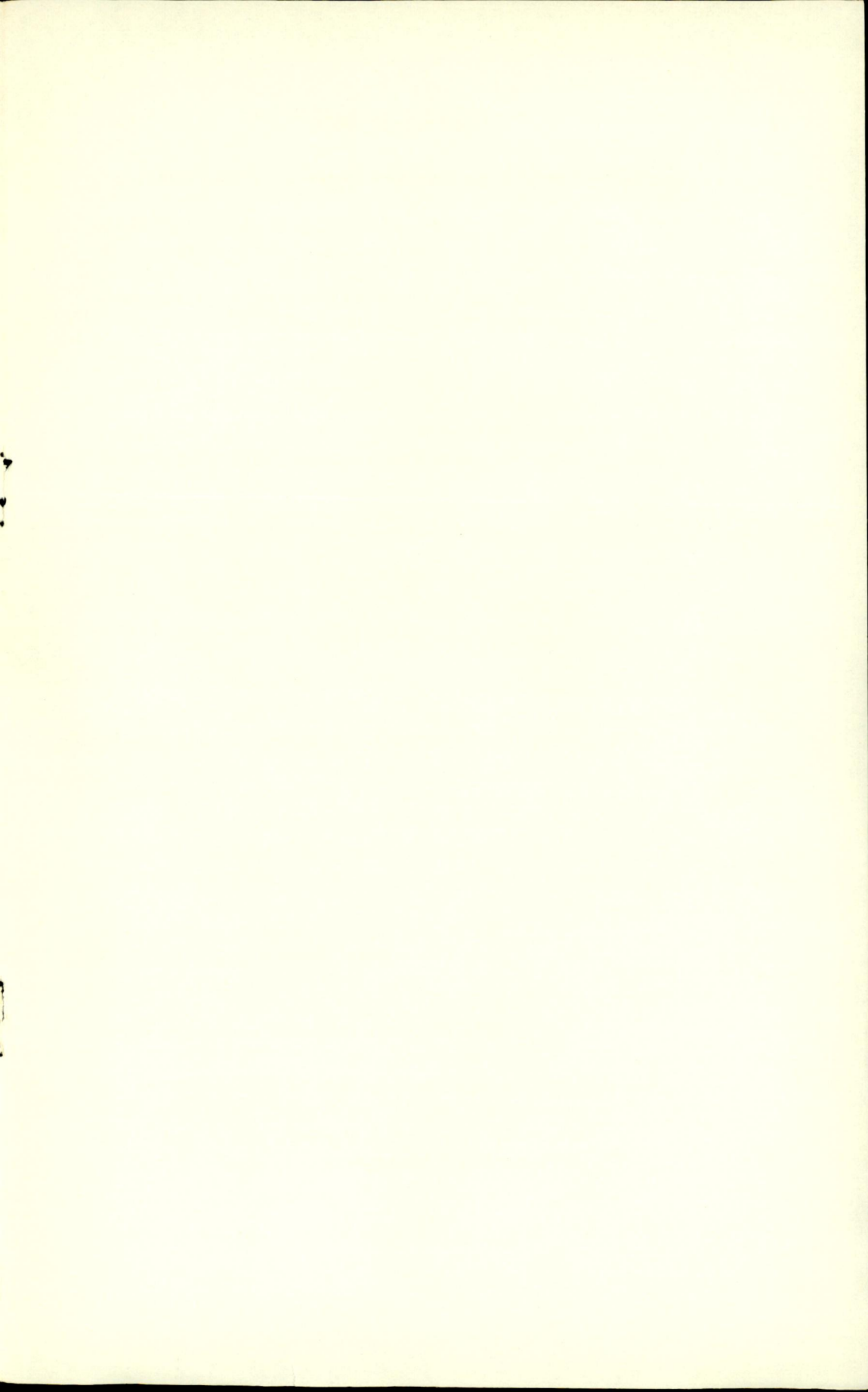
in which event the appellant or person charged, as the case may require, may, within seven days after being informed of such decision, appeal from such decision to the Commissioner.

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By Authority:

V. C. N. BLIGHT, Government Printer, Sydney, 1959







*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.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 10 December, 1958.*

## New South Wales



ANNO SEPTIMO

# ELIZABETHÆ II REGINÆ

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**Act No. 41, 1958.**

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

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.*

*Government Railways and Transport (Amendment).*

**B**E 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  
citation.

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

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

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

Amendment  
of Act No.  
5, 1958.  
Secs. 5 (2)  
and 6 (2).  
(Conse-  
quential.)

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

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

Amendment  
of Act No.  
30, 1912.

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

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

(a) by inserting next after paragraph (b) of the proviso to subsection one of section 20B the following new paragraphs :—

- (b1) Section one hundred and two is amended by the omission of the words "and upon the Crown Solicitor".
- (b2) Section one hundred and three is amended by the omission of the words "by the Crown Solicitor he shall forward the same, together with his report thereon to the Constructing Authority, who shall thereupon" and by the substitution therefor of the words "the Constructing Authority shall".

(b)

*Government Railways and Transport (Amendment).*

- (b) by inserting at the end of section twenty-four the following new subsection :—
- Sec. 24.  
(Commissioners may demand tolls.)
- (6) Where competition with the railways exists for the carriage of passengers the Commissioner may, notwithstanding anything in this Act contained, enter into special contracts for the carriage of passengers by special trains or otherwise at tolls or charges lower than the prescribed tolls or charges.
- (c) by omitting from subsection two of section thirty-nine the words "and four" and by inserting in lieu thereof the words ", four and six";
- Sec. 39.  
(Commissioners' quarterly report to Minister.)
- (d) by omitting section eighty and by inserting in lieu thereof the following section :—
- Substituted sec. 80.

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

Officers convicted of felonies, or imprisoned, etc.

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

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

(3)

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*Government Railways and Transport (Amendment).*

---

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

Sec. 81.  
(Powers of Commissioners on vacation of offices.)

(e) by omitting section eighty-one;

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

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

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

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

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

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

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

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

(h)

*Government Railways and Transport (Amendment).*

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

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

and by inserting in lieu thereof the following matter :—

Division 7—Officers in the Secretariat.

Division 8—Officers in the Stores Branch.

Division 9—Officers in the Finance Branch.

3. No appeal heard and determined before the commencement of this Act by a board constituted or purporting to have been constituted under section eighty-seven of the Government Railways Act, 1912, as amended by subsequent Acts, shall be deemed to have been invalidly heard and determined by reason only of the fact that one of the members of the board may have been an officer included in a Division mentioned in the Third Schedule to the said Act, as so amended, other than that to which the appellant belonged.

4. The Transport Act, 1930, as amended by subsequent Acts, is amended—

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

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

(a) dismiss or suspend him,

(b) reduce him in rank position or grade and pay.

(2)

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*Government Railways and Transport (Amendment).*

---

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

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

Sec. 108.  
(Powers of board on vacation of offices.)

(b) by omitting section one hundred and eight ;

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

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

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

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

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

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

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

E. W. WOODWARD,  
*Governor.*

*Government House,  
Sydney, 31st December, 1958.*



