

GOVERNMENT RAILWAYS AND TRANSPORT (AMENDMENT) BILL

*Schedule of the Amendment referred to in Legislative Council's
Message of 12 March, 1970*

Page 7, After line 7 insert new clause—

4. (1) Where—

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

Extension of
operation of
certain
amendments
made by
this Act.

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

(2) Where—

- (a) a decision referred to in section one hundred and thirteen of the Transport Act, 1930, was made before the commencement of this Act;
- (b) an officer who was passed over, as referred to in that section, as a result of the decision, was not, by reason of the operation of the proviso to that section, entitled to appeal under that section; and
- (c) the officer would have been entitled so to appeal had the amendment made by paragraph (b) of section three of this Act taken effect as on and from the first day of January, one thousand nine hundred and sixty-nine,

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

THE HISTORY OF THE UNITED STATES

CHAPTER I

SECTION I

SECTION II

SECTION III

SECTION IV

SECTION V

SECTION VI

SECTION VII

SECTION VIII

SECTION IX

SECTION X

SECTION XI

SECTION XII

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 24 February, 1970.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 12 March, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1970.

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

BE

Government Railways and Transport (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. This Act may be cited as the "Government Railways and Transport (Amendment) Act, 1970". Short title.

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

- 10 (a) (i) by inserting in subsection one of section thirty-nine after the word "Minister" the words "as Sec. 39. (Commissioners' quarterly report to Minister.) to";
- (ii) by omitting paragraphs (a) and (b) of the same subsection;
- 15 (b) by inserting in paragraph (a) of section forty after the words "preceding year." the following Sec. 40. (Commissioners' annual report to Parliament.) words:—
- 20 Such annual report shall include a statement as to the earnings from and expenditure on passenger and goods services and the general conditions of the railways and accommodation for traffic.
- (c) by omitting subsection three of section seventy and Sec. 70. (Commissioners to appoint staff.) by inserting in lieu thereof the following subsection:—
- 25 (3) An officer appointed under this Act shall not unless the Commissioner otherwise approves be the holder of any office in respect of which any fee or reward is payable, engage in any paid employment, carry on any business or engage in the
- 30 exercise of a profession outside the duties of his office. Any such approval may be withdrawn at any time.

Employment

Government Railways and Transport (Amendment).

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

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

10 (d) by omitting from section eighty-six the words "five thousand eight hundred dollars" and by inserting in lieu thereof the words "seven thousand dollars"; Sec. 86. (Appeals concerning promotions.)

15 (e) (i) by omitting from section ninety-one the words "fourteen days" and by inserting in lieu thereof the words "twenty-one days"; Sec. 91. (Times for lodging and hearing appeals.)

(ii) by inserting at the end of the same section the following proviso :—

Provided that—

20 (a) where the volume of work confronting the board is such that the appeal cannot be heard conveniently within thirty days as aforesaid; or

25 (b) where, owing to illness or unavailability of witnesses or members of the board, the appeal cannot be heard within thirty days as aforesaid; or

30 (c) in the case of an appeal against action taken under section eighty-two or eighty-three of this Act, where criminal proceedings have been commenced against the appellant for any offence and where the issues for determination by the board and the issues required to be determined in such criminal

proceedings

Government Railways and Transport (Amendment).

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

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

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

15 (f) by omitting from section one hundred and ten the words “, of whom two shall be elected by the officers in the railway service, and one by the officers in the tramway service, transferred to the service of the Trust under the Transport Act, 1930, under regulations made under this Part of this Act” and by inserting in lieu thereof the words “under regulations made under this Part by contributors to the Government Railways Superannuation Account”; Sec. 110. (The board.)

25 (g) by omitting section one hundred and twenty-two and by inserting in lieu thereof the following section :— Subst. sec. 122.

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

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

(i)

Government Railways and Transport (Amendment).

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

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

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

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

3. The Transport Act, 1930, is amended—

Amendment of Act No. 18, 1930.

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

Sec. 100.
(Board to appoint staff.)

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

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

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

(b)

Government Railways and Transport (Amendment).

(b) by omitting from section one hundred and thirteen the words "five thousand eight hundred dollars" and by inserting in lieu thereof the words "seven thousand dollars";

Sec. 113.
(Appeals concerning promotions.)

5 (c) (i) by omitting from section 115C the words "fourteen days" and by inserting in lieu thereof the words "twenty-one days";

Sec. 115c.
(Times for lodging and hearing appeals.)

(ii) by inserting at the end of the same section the following proviso : —

10 Provided that—

(a) where the volume of work confronting the board is such that the appeal cannot be heard conveniently within thirty days as aforesaid; or

15 (b) where, owing to illness or unavailability of witnesses or members of the board, the appeal cannot be heard within thirty days as aforesaid; or

20 (c) in the case of an appeal against action taken under section one hundred and nine or section one hundred and ten of this Act, where criminal proceedings have been commenced against the appellant for any offence and where the issues for determination by the board and the issues required to be determined in such criminal proceedings are so closely related that in the opinion of the board it is reasonable to adjourn the hearing of the appeal pending the outcome of the said criminal proceedings; or

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(d)

Government Railways and Transport (Amendment).

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

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

4. (1) Where—

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

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

25 (2) Where—

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

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Government Railways and Transport (Amendment).

(c) the officer would have been entitled so to appeal had the amendment made by paragraph (b) of section three of this Act taken effect as on and from the first day of January, one thousand nine hundred and sixty-nine,

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

[10c]

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 24 February, 1970.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, March, 1970.*

New South Wales



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2. (1) The Government Railways Act, 1912, is amended— Amendment of Act No. 30, 1912.
- 10 (a) (i) by inserting in subsection one of section thirty-nine after the word "Minister" the words "as to"; Sec. 39. (Commissioners' quarterly report to Minister.)
- (ii) by omitting paragraphs (a) and (b) of the same subsection;
- 15 (b) by inserting in paragraph (a) of section forty after the words "preceding year." the following words:— Sec. 40. (Commissioners' annual report to Parliament.)
- 20 Such annual report shall include a statement as to the earnings from and expenditure on passenger and goods services and the general conditions of the railways and accommodation for traffic.
- (c) by omitting subsection three of section seventy and by inserting in lieu thereof the following subsection:— Sec. 70. (Commissioners to appoint staff.)
- 25 (3) An officer appointed under this Act shall not unless the Commissioner otherwise approves be the holder of any office in respect of which any fee or reward is payable, engage in any paid employment, carry on any business or engage in the exercise of a profession outside the duties of his office. Any such approval may be withdrawn at
- 30 any time.

Employment

Government Railways and Transport (Amendment).

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

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

10 (d) by omitting from section eighty-six the words "five thousand eight hundred dollars" and by inserting in lieu thereof the words "seven thousand dollars"; Sec. 86. (Appeals concerning promotions.)

15 (e) (i) by omitting from section ninety-one the words "fourteen days" and by inserting in lieu thereof the words "twenty-one days"; Sec. 91. (Times for lodging and hearing appeals.)

(ii) by inserting at the end of the same section the following proviso :—

Provided that—

20 (a) where the volume of work confronting the board is such that the appeal cannot be heard conveniently within thirty days as aforesaid; or

25 (b) where, owing to illness or unavailability of witnesses or members of the board, the appeal cannot be heard within thirty days as aforesaid; or

30 (c) in the case of an appeal against action taken under section eighty-two or eighty-three of this Act, where criminal proceedings have been commenced against the appellant for any offence and where the issues for determination by the board and the issues required to be determined in such criminal

proceedings

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- proceedings are so closely related that in the opinion of the board it is reasonable to adjourn the hearing of the appeal pending the outcome of the said criminal proceedings; or
- 5 (d) where the parties to the proceedings before the board agree that the hearing should be adjourned,
- 10 the board may adjourn the hearing of the appeal to a date later than thirty days from the date the appeal has been lodged with the secretary under this section.
- (f) by omitting from section one hundred and ten the words “, of whom two shall be elected by the officers in the railway service, and one by the officers in the tramway service, transferred to the service of the Trust under the Transport Act, 1930, under regulations made under this Part of this Act” and by inserting in lieu thereof the words “under regulations made under this Part by contributors to the Government Railways Superannuation Account”;
- 15 20
- (g) by omitting section one hundred and twenty-two and by inserting in lieu thereof the following section :—
- 25
122. Where the services of an officer are terminated, otherwise than by reason of his death, or under circumstances which do not entitle him to a superannuation allowance or gratuity, he shall be entitled to a refund of the deductions made from his salary and emoluments under this Part of this Act but without any interest thereon.
- 30
- (h) by omitting section one hundred and twenty-five;
- (i)

Sec. 110.
(The board.)

Subst.
sec. 122.

Refund of
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Sec. 125.
(Where officer dismissed for misconduct.)

Government Railways and Transport (Amendment).

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

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

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

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

3. The Transport Act, 1930, is amended—

Amendment of Act No. 18, 1930.

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

Sec. 100.
(Board to appoint staff.)

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

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

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

(b)

Government Railways and Transport (Amendment).

(b) by omitting from section one hundred and thirteen the words "five thousand eight hundred dollars" and by inserting in lieu thereof the words "seven thousand dollars";

Sec. 113.
(Appeals concerning promotions.)

5 (c) (i) by omitting from section 115c the words "fourteen days" and by inserting in lieu thereof the words "twenty-one days";

Sec. 115c.
(Times for lodging and hearing appeals.)

(ii) by inserting at the end of the same section the following proviso :—

10 Provided that—

(a) where the volume of work confronting the board is such that the appeal cannot be heard conveniently within thirty days as aforesaid; or

15 (b) where, owing to illness or unavailability of witnesses or members of the board, the appeal cannot be heard within thirty days as aforesaid; or

20 (c) in the case of an appeal against action taken under section one hundred and nine or section one hundred and ten of this Act, where criminal proceedings have been commenced against the appellant for any offence and where the issues for determination by the board and the issues required to be determined in such criminal proceedings are so closely related that in the opinion of the board it is reasonable to adjourn the hearing of the appeal pending the outcome of the said criminal proceedings; or

(d)

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

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4. (1) Where—

10 (a) a decision referred to in section eighty-six of the Government Railways Act, 1912, was made before the commencement of this Act;

Extension of operation of certain amendments made by this Act.

15 (b) an officer who was passed over, as referred to in that section, as a result of the decision, was not, by reason of the operation of the proviso to that section, entitled to appeal under that section; and

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25 (2) Where—

(a) a decision referred to in section one hundred and thirteen of the Transport Act, 1930, was made before the commencement of this Act;

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(c) the officer would have been entitled so to appeal had the amendment made by paragraph (b) of section three of this Act taken effect as on and from the first day of January, one thousand nine hundred and sixty-nine,

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

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I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 24 February, 1970.*

New South Wales



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1. This Act may be cited as the "Government Railways and Transport (Amendment) Act, 1970". Short title.

2. (1) The Government Railways Act, 1912, is amended— Amendment of Act No. 30, 1912.
 - 10 (a) (i) by inserting in subsection one of section thirty-nine after the word "Minister" the words "as to"; Sec. 39. (Commissioners' quarterly report to Minister.)
 - (ii) by omitting paragraphs (a) and (b) of the same subsection;

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

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

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

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

30 any time.

Employment

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

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

10 (d) by omitting from section eighty-six the words "five thousand eight hundred dollars" and by inserting in lieu thereof the words "seven thousand dollars"; Sec. 86. (Appeals concerning promotions.)

15 (e) (i) by omitting from section ninety-one the words "fourteen days" and by inserting in lieu thereof the words "twenty-one days"; Sec. 91. (Times for lodging and hearing appeals.)

(ii) by inserting at the end of the same section the following proviso:—

Provided that—

20 (a) where the volume of work confronting the board is such that the appeal cannot be heard conveniently within thirty days as aforesaid; or

25 (b) where, owing to illness or unavailability of witnesses or members of the board, the appeal cannot be heard within thirty days as aforesaid; or

30 (c) in the case of an appeal against action taken under section eighty-two or eighty-three of this Act, where criminal proceedings have been commenced against the appellant for any offence and where the issues for determination by the board and the issues required to be determined in such criminal

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

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

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

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

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

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

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

Government Railways and Transport (Amendment).

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

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

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

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

3. The Transport Act, 1930, is amended—

Amendment of Act No. 18, 1930.

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

Sec. 100.
(Board to appoint staff.)

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

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(b) by omitting from section one hundred and thirteen the words "five thousand eight hundred dollars" and by inserting in lieu thereof the words "seven thousand dollars";

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(Appeals concerning promotions.)

5 (c) (i) by omitting from section 115c the words "fourteen days" and by inserting in lieu thereof the words "twenty-one days";

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970
[10c]

No. , 1970.

A BILL

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

[MR MORRIS—17 *February*, 1970.]

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

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

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

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

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

Government Railways and Transport (Amendment).

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

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

10 (d) by omitting from section eighty-six the words "five thousand eight hundred dollars" and by inserting in lieu thereof the words "seven thousand dollars"; Sec. 86. (Appeals concerning promotions.)

15 (e) (i) by omitting from section ninety-one the words "fourteen days" and by inserting in lieu thereof the words "twenty-one days"; Sec. 91. (Times for lodging and hearing appeals.)

(ii) by inserting at the end of the same section the following proviso :—

Provided that—

20 (a) where the volume of work confronting the board is such that the appeal cannot be heard conveniently within thirty days as aforesaid; or

25 (b) where, owing to illness or unavailability of witnesses or members of the board, the appeal cannot be heard within thirty days as aforesaid; or

30 (c) in the case of an appeal against action taken under section eighty-two or eighty-three of this Act, where criminal proceedings have been commenced against the appellant for any offence and where the issues for determination by the board and the issues required to be determined in such criminal proceedings

Government Railways and Transport (Amendment).

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

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

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

(f) by omitting from section one hundred and ten Sec. 110.
the words “, of whom two shall be elected by (The
15 the officers in the railway service, and one by the board.)
the officers in the tramway service, transferred to the
service of the Trust under the Transport Act, 1930,
under regulations made under this Part of this Act”
20 and by inserting in lieu thereof the words “under
regulations made under this Part by contributors
to the Government Railways Superannuation
Account”;

(g) by omitting section one hundred and twenty-two Subst.
and by inserting in lieu thereof the following sec. 122.
25 section :—

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

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

Government Railways and Transport (Amendment).

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

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

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

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

3. The Transport Act, 1930, is amended—

Amendment of Act No. 18, 1930.

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

Sec. 100.
(Board to appoint staff.)

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

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

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

(b)

Government Railways and Transport (Amendment).

(b) by omitting from section one hundred and thirteen the words "five thousand eight hundred dollars" and by inserting in lieu thereof the words "seven thousand dollars";

Sec. 113.
(Appeals concerning promotions.)

5 (c) (i) by omitting from section 115c the words "fourteen days" and by inserting in lieu thereof the words "twenty-one days";

Sec. 115c.
(Times for lodging and hearing appeals.)

(ii) by inserting at the end of the same section the following proviso :—

10 Provided that—

(a) where the volume of work confronting the board is such that the appeal cannot be heard conveniently within thirty days as aforesaid; or

15 (b) where, owing to illness or unavailability of witnesses or members of the board, the appeal cannot be heard within thirty days as aforesaid; or

20 (c) in the case of an appeal against action taken under section one hundred and nine or section one hundred and ten of this Act, where criminal proceedings have been commenced against the appellant for any offence and where the issues for determination by the board and the issues required to be determined in such criminal proceedings are so closely related that in the opinion of the board it is reasonable to adjourn the hearing of the appeal pending the outcome of the said criminal proceedings; or

(d)

Government Railways and Transport (Amendment).

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

5

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

BY AUTHORITY:

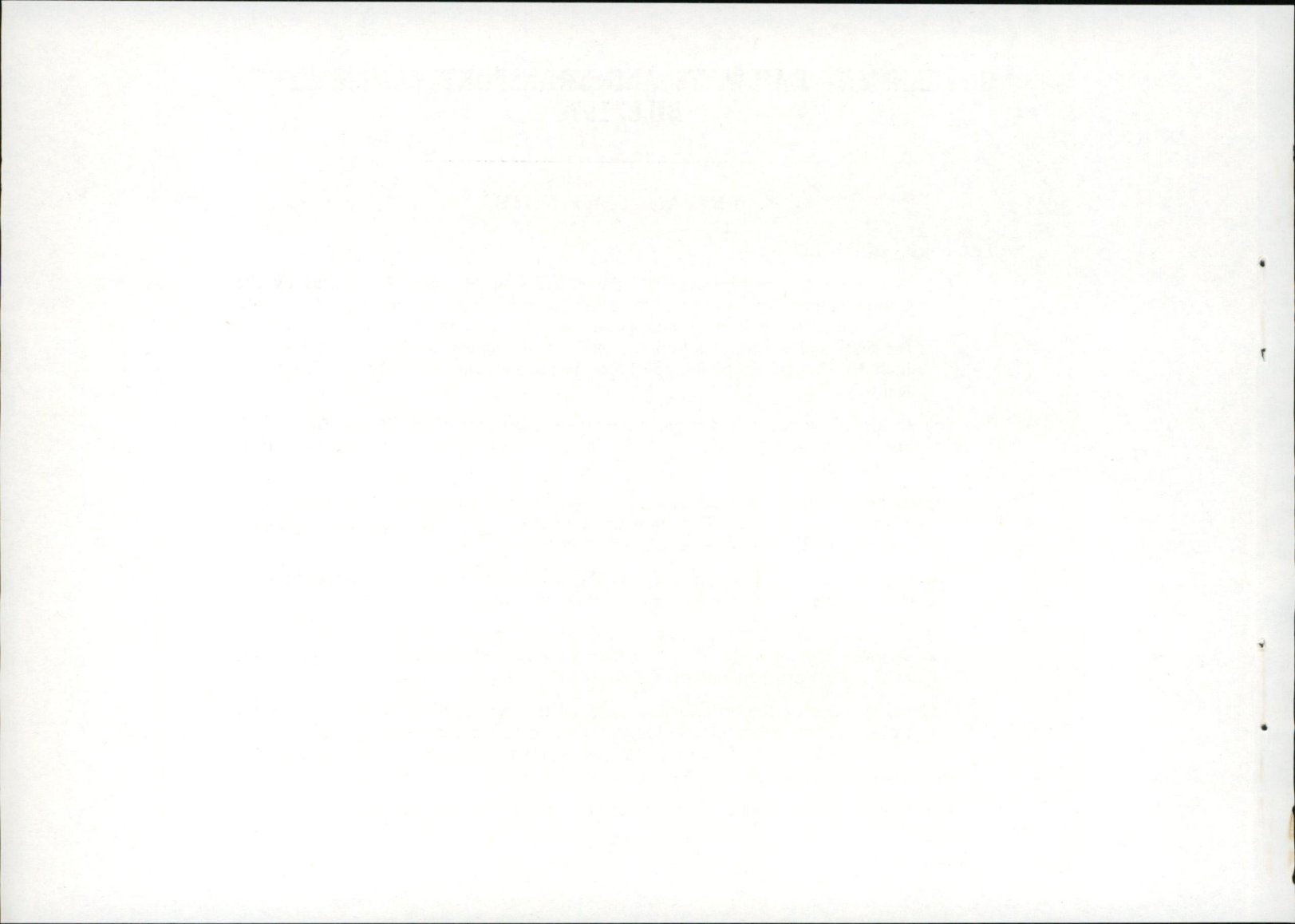
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970
[10c]

GOVERNMENT RAILWAYS AND TRANSPORT (AMENDMENT) BILL, 1970

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to remove the requirement for the submission of quarterly returns by the Commissioner for Railways to Parliament stating the earnings from and expenditure on passenger and goods services and the general condition of the lines and accommodation for traffic and to provide that such returns be included in the annual report to Parliament by the Commissioner for Railways;
- (b) to permit officers appointed under the Government Railways Act, 1912, and the Transport Act, 1930, to engage in employment outside the duties of their office if authorised to do so;
- (c) to increase the salary limit on the right of appeal against the appointment of officers under the Government Railways Act, 1912, and the Transport Act, 1930, to positions in their respective services;
- (d) to widen the power of the Railway Appeals Board and the Transport Services Appeal Board to adjourn the hearing of appeals;
- (e) to simplify the manner in which the three employee representatives on the Railway Service Superannuation Board are elected by the officers contributing to the Railways Superannuation Account;
- (f) to provide for the automatic refund of the contributions paid by an officer to the Railways Superannuation Account upon the termination of his service, where such officer is not, upon the termination of his service, entitled to receive a superannuation allowance or gratuity; and
- (g) to make other provisions of a minor or ancillary character.



PROOF

No. , 1969.

A BILL

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

[MR MORRIS—17 *February*, 1970.]

BE

Government Railways and Transport (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. This Act may be cited as the "Government Railways and Transport (Amendment) Act, 1970". Short title.

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

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

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

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

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

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

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

Employment

Government Railways and Transport (Amendment).

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

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

10 (d) by omitting from section eighty-six the words "five thousand eight hundred dollars" and by inserting in lieu thereof the words "seven thousand dollars"; Sec. 86. (Appeals concerning promotions.)

15 (e) (i) by omitting from section ninety-one the words "fourteen days" and by inserting in lieu thereof the words "twenty-one days"; Sec. 91. (Times for lodging and hearing appeals.)

(ii) by inserting at the end of the same section the following proviso :—

Provided that—

20 (a) where the volume of work confronting the board is such that the appeal cannot be heard conveniently within thirty days as aforesaid; or

25 (b) where, owing to illness or unavailability of witnesses or members of the board, the appeal cannot be heard within thirty days as aforesaid; or

30 (c) in the case of an appeal against action taken under section eighty-two or eighty-three of this Act, where criminal proceedings have been commenced against the appellant for any offence and where the issues for determination by the board and the issues required to be determined in such criminal proceedings

Government Railways and Transport (Amendment).

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

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

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

15 (f) by omitting from section one hundred and ten Sec. 110.
the words “, of whom two shall be elected by (The
the officers in the railway service, and one by the board.)
officers in the tramway service, transferred to the
service of the Trust under the Transport Act, 1930,
under regulations made under this Part of this Act”
20 and by inserting in lieu thereof the words “under
regulations made under this Part by contributors
to the Government Railways Superannuation
Account”;

25 (g) by omitting section one hundred and twenty-two Subst.
and by inserting in lieu thereof the following sec. 122.
section :—

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

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

Government Railways and Transport (Amendment).

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

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

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

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

3. The Transport Act, 1930, is amended—

Amendment of Act No. 18, 1930.

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

Sec. 100.
(Board to appoint staff.)

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

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

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

(b)

Government Railways and Transport (Amendment).

(b) by omitting from section one hundred and thirteen the words "five thousand eight hundred dollars" and by inserting in lieu thereof the words "seven thousand dollars";

Sec. 113.
(Appeals concerning promotions.)

5 (c) (i) by omitting from section 115C the words "fourteen days" and by inserting in lieu thereof the words "twenty-one days";

Sec. 115C.
(Times for lodging and hearing appeals.)

(ii) by inserting at the end of the same section the following proviso :—

10 Provided that—

(a) where the volume of work confronting the board is such that the appeal cannot be heard conveniently within thirty days as aforesaid; or

15 (b) where, owing to illness or unavailability of witnesses or members of the board, the appeal cannot be heard within thirty days as aforesaid; or

20 (c) in the case of an appeal against action taken under section one hundred and nine or section one hundred and ten of this Act, where criminal proceedings have been commenced against the appellant for any offence and where the issues for determination by the board and the issues required to be determined in such criminal proceedings are so closely related that in the opinion of the board it is reasonable to adjourn the hearing of the appeal pending the outcome of the said criminal proceedings; or

(d)

Government Railways and Transport (Amendment).

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

5

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

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

Government of the State of New York
 Department of Education
 Albany, New York

It is the policy of the State of New York to provide a free and appropriate public education to all children who are eligible to attend school. This policy is embodied in the Education Law of the State of New York, which is designed to ensure that every child has the opportunity to learn and to reach his or her full potential.

The State of New York is committed to providing a high-quality education for all children, regardless of their background, race, or ability. This commitment is reflected in the State's investment in education and in the efforts of the Department of Education to improve the quality of the State's schools and to ensure that every child has access to the best possible education.

Approved: _____
 Commissioner of Education

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 13, 1970.

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

BE

Government Railways and Transport (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by 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. **1.** This Act may be cited as the "Government Railways and Transport (Amendment) Act, 1970".

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

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

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

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

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

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

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

Employment

Government Railways and Transport (Amendment).

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

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

- (d) by omitting from section eighty-six the words “five thousand eight hundred dollars” and by inserting in lieu thereof the words “seven thousand dollars”; Sec. 86.
(Appeals concerning promotions.)
- (e) (i) by omitting from section ninety-one the words “fourteen days” and by inserting in lieu thereof the words “twenty-one days”; Sec. 91.
(Times for lodging and hearing appeals.)
- (ii) by inserting at the end of the same section the following proviso :—

Provided that—

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

proceedings

Government Railways and Transport (Amendment).

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

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

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

Sec. 110.
(The
board.)

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

Subst.
sec. 122.

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

Refund of
deductions.

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

Sec. 125.
(Where
officer
dismissed
for mis-
conduct.)

- (h) by omitting section one hundred and twenty-five ;

(i)

Government Railways and Transport (Amendment).

- (i) by omitting paragraph (c) of section one hundred and twenty-seven. Sec. 127.
(Certain determinations of board to be final.)

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

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

3. The Transport Act, 1930, is amended—

Amendment
of Act No.
18, 1930.

- (a) by omitting subsection three of section one hundred and by inserting in lieu thereof the following subsection :— Sec. 100.
(Board to appoint staff.)

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

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

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

(b)

Government Railways and Transport (Amendment).

Sec. 113.
(Appeals concerning promotions.)

- (b) by omitting from section one hundred and thirteen the words "five thousand eight hundred dollars" and by inserting in lieu thereof the words "seven thousand dollars";

Sec. 115c.
(Times for lodging and hearing appeals.)

- (c) (i) by omitting from section 115c the words "fourteen days" and by inserting in lieu thereof the words "twenty-one days";

- (ii) by inserting at the end of the same section the following proviso :—

Provided that—

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

(d)

Government Railways and Transport (Amendment).

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

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

4. (1) Where—

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

Extension
of operation
of certain
amendments
made by
this Act.

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

(2) Where—

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

(c)

Government Railways and Transport (Amendment).

- (c) the officer would have been entitled so to appeal had the amendment made by paragraph (b) of section three of this Act taken effect as on and from the first day of January, one thousand nine hundred and sixty-nine,

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

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 24 March, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 13, 1970.

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

BE

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

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Government Railways and Transport (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. **1.** This Act may be cited as the "Government Railways and Transport (Amendment) Act, 1970".

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

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

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

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

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

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

Employment

Government Railways and Transport (Amendment).

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

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

(d) by omitting from section eighty-six the words "five thousand eight hundred dollars" and by inserting in lieu thereof the words "seven thousand dollars"; Sec. 86. (Appeals concerning promotions.)

(e) (i) by omitting from section ninety-one the words "fourteen days" and by inserting in lieu thereof the words "twenty-one days"; Sec. 91. (Times for lodging and hearing appeals.)

(ii) by inserting at the end of the same section the following proviso:—

Provided that—

(a) where the volume of work confronting the board is such that the appeal cannot be heard conveniently within thirty days as aforesaid; or

(b) where, owing to illness or unavailability of witnesses or members of the board, the appeal cannot be heard within thirty days as aforesaid; or

(c) in the case of an appeal against action taken under section eighty-two or eighty-three of this Act, where criminal proceedings have been commenced against the appellant for any offence and where the issues for determination by the board and the issues required to be determined in such criminal proceedings

Government Railways and Transport (Amendment).

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

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

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

Sec. 110.
(The
board.)

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

Subst.
sec. 122.

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

Refund of
deductions.

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

Sec. 125.
(Where
officer
dismissed
for mis-
conduct.)

- (h) by omitting section one hundred and twenty-five;

(i)

Government Railways and Transport (Amendment).

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

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

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

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

3. The Transport Act, 1930, is amended—

Amendment of Act No. 18, 1930.

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

Sec. 100.
(Board to appoint staff.)

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

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

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

(b)

Government Railways and Transport (Amendment).

Sec. 113.
(Appeals
concerning
promotions.)

- (b) by omitting from section one hundred and thirteen the words "five thousand eight hundred dollars" and by inserting in lieu thereof the words "seven thousand dollars";

Sec. 115c.
(Times for
lodging and
hearing
appeals.)

- (c) (i) by omitting from section 115c the words "fourteen days" and by inserting in lieu thereof the words "twenty-one days";

- (ii) by inserting at the end of the same section the following proviso:—

Provided that—

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

(d)

Government Railways and Transport (Amendment).

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

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

4. (1) Where—

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

Extension
of operation
of certain
amendments
made by
this Act.

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

(2) Where—

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

(c)

Government Railways and Transport (Amendment).

(c) the officer would have been entitled so to appeal had the amendment made by paragraph (b) of section three of this Act taken effect as on and from the first day of January, one thousand nine hundred and sixty-nine,

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

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 26th March, 1970.*