

Railway Commissioners Appointment.

Act No. 7, 1906.

RAILWAY
COMMISSIONERS
APPOINTMENT.

An Act to dissolve the present Railway Commission; to provide for the appointment of Commissioners to control the Railways and Tramways; and to amend the Government Railways Act, 1901, and the Government Railways (Commissioner's Salary) Act, 1901; and for purposes consequent on and incidental thereto. [8th September, 1906.]

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

Short title.

1. This Act may be cited as the "Railway Commissioners Appointment Act, 1906," and shall be construed with the Government Railways Act, 1901, hereinafter referred to as the Principal Act.

Commencement.

2. This Act shall commence and take effect on and from a day to be appointed by the Governor by notification in the Gazette.

Dissolution of
Railway
Commission.

3. On the day so appointed the present Railway Commissioners shall cease to hold office, and may be paid, if not reappointed, from the Consolidated Revenue Fund the amount of one year's salary at the respective rates on which their present salaries are calculated, and shall not be entitled to make any further claim.

Repeal of section 4
of Principal Act.

4. (1) Section four of the Principal Act is repealed, and the following is inserted in its place:—

"The authority to carry out this Act shall be the Chief Commissioner appointed as hereinafter provided. The Chief Commissioner shall be a body corporate by the name of the 'Chief Commissioner for Railways and Tramways,' and by that name shall have perpetual succession and a common seal, and be capable of suing and being sued, and, subject to the provisions hereinafter contained, shall have power to take, purchase, sell, lease, and hold lands, goods, chattels, and other property for the purposes of this Act. But no sale or lease of any such lands, except as provided in section twenty-one, shall have any force or effect until the same has been approved by the Governor.

"All courts, judges, and persons acting judicially shall take judicial notice of the common seal of the Chief Commissioner affixed to any document or notice, and shall presume that such seal was duly affixed."

Railway Commissioners Appointment.

(2) Provided that the Chief Commissioner and either one of the Assistant Commissioners shall together hear and determine appeals under Division 5 of Part VIII of the Principal Act, and the Chief Commissioner shall have a second or casting vote in deciding such appeals.

(3) Sections ten, eleven, twelve, and thirteen of the Principal Act are repealed.

5. (1) Subsection one of section five of the Principal Act is repealed, and the following is inserted in its place :—

Repeal of subsection (1) of section 5 of Principal Act.

“The Governor shall from time to time appoint a Chief Commissioner, an Assistant Commissioner of Railways, an Assistant Commissioner of Tramways.

“The first appointment shall be made at such time as the Governor thinks fit after the passing of this Act.

“Each such Commissioner shall, subject to this Act, hold office for seven years from the date on which his appointment takes effect :”

Provided that the Governor may, after the passing and on or before the commencement of this Act, appoint persons who shall temporarily act as, and shall have the powers and duties of the Chief Commissioner, the Assistant Commissioner of Railways, and the Assistant Commissioner of Tramways, respectively, or any of such officers, for such periods at such salaries and subject to such conditions as the Governor thinks fit; such appointments to take effect on the commencement of this Act.

(2) Subsection four of section five of the Principal Act is amended by adding the following words :—“ If under this subsection one of the Assistant Commissioners is appointed to act as deputy of the Chief Commissioner or of the other Assistant Commissioner, the Governor may appoint a deputy of such first-mentioned Assistant Commissioner.”

(3) Section eight of the Principal Act is repealed.

6. (1) Section six of the Principal Act is amended in the following manner :—

Amendment of section 6 of Principal Act.

(a) The words “the Chief Commissioner” are substituted for the words “a Commissioner” where first occurring in that section.

(b) In paragraph (a) the words “such Commissioner” are substituted for “a Commissioner.”

(2) The Governor, on the recommendation of the Chief Commissioner, may suspend or remove from office the Assistant Commissioner of Railways, or the Assistant Commissioner of Tramways.

Railway Commissioners Appointment.

Repeal of section 9
of Principal Act.

7. Section nine of the Principal Act is repealed, and the following is inserted in its place:—

“The Commissioners shall respectively receive salaries not exceeding the following yearly rates:—The Chief Commissioner, three thousand pounds; the Assistant Commissioner of Railways, one thousand five hundred pounds; the Assistant Commissioner of Tramways, one thousand five hundred pounds.”

Amendment of
other sections of
Principal Act.

8. In the unrepealed sections of the Principal Act, except sections eighty-eight and ninety-five, the expression “Chief Commissioner” is inserted in lieu of the word “Commissioners,” and the further amendments set out in the Schedule are made in the said Act.

In any rules, regulations, by-laws, and scales of tolls or charges made under the Principal Act, references to the Commissioners as defined in that Act shall, except in relation to appeals, be read as references to the Chief Commissioner.

Save as aforesaid, nothing in this Act shall affect any such rules, regulations, by-laws, and scales of tolls or charges.

In any Act other than the Principal Act, and in any regulations or by-laws thereunder, references to the Commissioners as defined in the Principal Act shall be read as references to the Chief Commissioner.

Assistant
Commissioner of
Railways.

9. (1) The Assistant Commissioner of Railways shall assist the Chief Commissioner in his management of the Government Railways and all matters relating thereto, and shall be under the control of the Chief Commissioner.

Assistant
Commissioner of
Tramways.

(2) The Assistant Commissioner of Tramways shall assist the Chief Commissioner in his management of the Government Tramways and all matters relating thereto, and shall be under the control of the Chief Commissioner.

General
management.

(3) At the request of the Chief Commissioner the said Assistant Commissioners shall advise him as to matters affecting the general management of the Government Railways and Tramways.

Railway Commissioners Appointment.

SCHEDULE.

Amendments of Principal Act.

- Section 3. *Insert* the following definition: "Chief Commissioner" means Chief Commissioner for Railways and Tramways appointed under this Act; *omit* in definition of "Commissioners" the word "Railway" and the words "or any Act hereby repealed"
- Section 13. *Omit* "their" *insert* "his"
- Sections 17, 18, and 20. *Omit* "them" *insert* "him"
- Section 19. *Omit* "they think" *insert* "he thinks"
- Section 20. *Omit* "their" *insert* "his"
- Section 21. *Omit* "they" *insert* "he"
- Sections 22, 23, and 24. *Omit* "their" *insert* "his"
- Section 22. *Omit* "they" *insert* "he"
- Section 23. *Omit* "agents" *insert* "agent"
- Sections 23 and 24. *Omit* "them" *insert* "him"
- Sections 24 and 27. *Omit* "think" *insert* "thinks"
- Section 27. *Omit* "at a meeting specially called for that purpose"
- Section 31. *Omit* "they" *insert* "he"
- Section 37. *Omit* "common carriers" *insert* "a common carrier"
- Section 38. *Omit* "their" *insert* "his"; *omit* "they" *insert* "he"
- Section 39. *Omit* "they" *insert* "he"
- Section 40. *Omit* "them" *insert* "him"
- Sections 42, 44, and 57. *Omit* "their" *insert* "his"
- Section 56. *Omit* "they" *insert* "he"
- Sections 63, 72, 73, 76, 77, and 84. *Omit* "they" *insert* "he"
- Section 73. *Omit* "require" *insert* "requires"
- Section 77. *Omit* "have" after "Commissioners" in subsection (3) *insert* "has"; *omit* "think" *insert* "thinks"; *omit* "their" *insert* "his"
- Section 88, subsection (1). *Omit* "three Commissioners" *insert* "the Chief Commissioner and the two Assistant Commissioners"
- Sections 89 and 92. *Omit* "Secretary to the Commissioners" *insert* "Secretary to the Chief Commissioner"
- Section 97. *Omit* "them" *insert* "him"
- Sections 98 (1) and (3) and 99 (1) d. *Omit* "them" *insert* "him"
- Section 101. *Omit* "a Commissioner" *insert* "the Chief Commissioner"; *omit* "they" *insert* "he"
- Section 103. *Omit* "they think" *insert* "he thinks"
- Section 111. *Omit* "their" *insert* "his"
- Section 125. *Omit* "carriers" *insert* "a carrier"; *omit* "them" *insert* "him"