

[CONFIDENTIAL.]

PROOF

No. , 1930.

A BILL

To make provision for the construction of lines of railway; to provide that the Secretary for Public Works shall be the Constructing Authority in respect of such lines of railway; to make provisions relating to the transfer of certain officers and employees from the service of the Railway Commissioners for New South Wales to the Department of Public Works; to amend the Government Railways Act, 1912-1928, and certain other Acts; and for purposes connected therewith.

[MR. BUTTENSHAW;—June , 1930.]

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:—

1. (1) This Act may be cited as the "Government Railways Amendment (Construction) Act, 1930." Short title.

165

(2) This Act shall be read with the Public Works Act, 1912, as amended by subsequent Acts.

(3) This Act shall commence upon the first day of July, one thousand nine hundred and thirty.

Interpretation.

2. In this Act, unless the context or subject-matter otherwise indicates or requires,—

The expression "construction of any line of railway" shall not include the construction of a line of tramway or any work which under section thirty-four of the Government Railways Act, 1912-1928, the Commissioners are authorised to carry out.

"Commissioners" means the Railway Commissioners for New South Wales.

Railway construction. cf. Act No. 30, 1912, s. 20B.

3. Notwithstanding anything contained in any Act the construction of any line of railway authorised by Parliament before or after the commencement of this Act, and whether the construction of such line was commenced before or after the commencement of this Act, shall be carried out by the Secretary for Public Works, who shall for that purpose be the Constructing Authority within the meaning of the Public Works Act, 1912, as amended by subsequent Acts.

All moneys appropriated for the construction of such line by any Act passed before or after the commencement of this Act and available for that purpose shall be expended by the Secretary for Public Works.

Transfer of officers. cf. *Ibid.* s. 20B (2).

4. (1) All persons who at the commencement of this Act are employed by the Commissioners wholly or mainly in connection with the construction of any line of railway or in survey work for the purpose of the construction of any line of railway, and who are under the age of sixty-five years, and such other persons employed by the Commissioners on the first day of January, one thousand nine hundred and thirty, or at the commencement of this Act, as the Governor shall determine, shall be transferred to the Public Works Department:

Provided that the Governor may at his discretion retain any of such first mentioned persons in the service of the Commissioners.

(2) All persons so transferred to the Public Works Department who on the first day of January, one thousand nine hundred and thirty, were on the salaried staff of the Commissioners, and in receipt of  
 5 an annual salary, shall upon such transfer be deemed to be officers within the meaning of the Public Service Act, 1902, as amended by subsequent Acts.

(3) The Public Service Board shall determine which persons so transferred to the Public Works  
 10 Department shall be employees within the meaning of the Public Service Act, 1902, as amended by subsequent Acts.

5. (1) (a) Any person so transferred who within  
 three months after the commencement of this Act  
 15 elects by notice in writing addressed to the permanent head of the Department of Public Works to continue to contribute to the Government Railways Superannuation Account established under Part IX of the Government Railways Act, 1912-1928, shall be entitled to continue  
 20 so to contribute and to be paid from such account any pension, gratuity, allowance, or other benefit which he would have received therefrom had he continued in the service of the Commissioners.

Saving of rights of officers superannuation.

(b) Service with the Public Service shall in  
 25 any such case be regarded as service with the Commissioners.

(c) Any pension, payment, gratuity, or allowance payable to any such contributor or to other person in respect of such a contributor's service shall become  
 30 due and payable in the same manner as though such contributor had continued in the service of the Commissioners.

(d) Proper deductions shall be made from the remuneration of any such contributor and be paid to  
 35 the credit of the Government Railways Superannuation Account.

(e) The Colonial Treasurer shall pay out of the Consolidated Revenue Fund the due proportion of any amount necessary to supplement the revenue of the  
 40 Government Railways Superannuation Account to enable the claims thereon in pursuance of this Act to be met in any year. Such

167

*Government Railways Amendment (Construction).*

Such amount, if not agreed upon by the Colonial Treasurer and the Commissioners, shall be determined by the Governor.

(2) A person transferred to the Public Works Department under this Act who continues to contribute to the Government Railways Superannuation Account in pursuance of subsection one of this section shall not be eligible to contribute to the State Superannuation Fund established under the Superannuation Act, 1916-1928, nor shall he be entitled to any benefit under that Act. 5

(3) Any person so transferred who does not exercise the right conferred by subsection one of this section of electing to continue to contribute to the Government Railways Superannuation Account shall be entitled to receive therefrom a refund of all contributions paid by him to such Account. 15

Saving of rights of officers—leave of absence and privileges.

6. (1) The transfer of a person to the Public Works Department under this Act shall not affect any right to leave of absence accrued prior to such transfer. 20

In the case of a person who in pursuance of subsection two of section four of this Act is deemed to be an officer of the Public Service, service on the salaried staff of the Commissioners shall, for the purpose of calculating the amount of deferred and extended leave (if any) due to such person, be regarded as service as an officer within the meaning of the Public Service Act, 1902, as amended by subsequent Acts. 25

(2) A person who is transferred to the Public Works Department under this Act, and who at the date of such transfer enjoys any concession in respect of railway or tramway fares, shall, whilst he continues to be employed in connection with the construction of any line of railway or in survey work for the purpose of the construction of any line of railway, be entitled to enjoy such concession or, should the Public Service Board so decide, to receive an allowance in lieu of such concession. 30 35

The allowance may be by way of salary.

The amount of the allowance shall be such amount as in the opinion of the Public Service Board is fairly commensurate with the value of the concession to persons employed by the Commissioners in general : 40

Provided

Provided that the provisions of this subsection shall not apply to a person who, upon transfer to the Public Works Department under this Act, becomes subject to an award or agreement governing the employment of 5 persons in the Public Service:

Provided also that the concession or allowance hereinbefore referred to shall terminate when the remuneration of the recipient is fixed by a competent authority.

7. (1) All persons who on the first day of January, 10 one thousand nine hundred and twenty-eight, were transferred from the service of the Commissioners to the Department of Public Works shall be deemed to have been appointed officers within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, as 15 from the date of such transfer.

Sydney  
Harbour  
Bridge  
officers.

(2) For the purpose of calculating the amount of deferred and extended leave, if any, due to any such person, service with the Commissioners shall be deemed to be service as an officer within the meaning of the 20 Public Service Act, 1902, as amended by subsequent Acts.

(3) Each person so transferred shall receive a refund of all contributions paid by him to the Government Railways Superannuation Account.

25 8. If any question should arise as to whether any power, duty, authority, or liability, or as to whether the unexpended portion of any money appropriated by Parliament for the construction of any line of railway is or is not by this Act to be transferred from the Commis- 30 sioners to the Secretary for Public Works, or as to the office accommodation provided for or required by the Secretary for Public Works for the purposes of this Act, or as to the transfer of any officer or employee, such question may be finally and conclusively determined by 35 the Governor in such manner as he may think fit.

Determina-  
tion of  
questions.  
cf. Act No.  
30, 1912,  
s. 30B (4).

9. The Government Railways Act, 1912-1928, is amended—

Amendment  
of Act No. 30,  
1912, s. 34.

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

40 (4) No work which is in the nature of a deviation or extension of or addition to an existing 158—B

169

existing line shall be undertaken, executed, or carried out under this section unless—

(a) the estimated cost thereof does not exceed fifty thousand pounds; or

(b) the Secretary for Public Works has approved of the work being carried out by the Commissioners.

Sec. 41q

(b) by omitting from subsection one of section 41q the words "railway lines and works" and by inserting in lieu thereof the words "works which under section thirty-four of this Act the Commissioners are authorised to carry out."

Moss Vale-  
Port Kembla  
railway.

**10.** The construction by the Secretary for Public Works of the railway line from Moss Vale to Port Kembla (Unanderra) referred to in the agreement contained in the Schedule to the Moss Vale-Port Kembla Railway Agreement Ratification Act, 1927, shall for the purposes of that agreement be deemed to be construction by the Commissioners. 20

Vesting of  
certain lands.

**11.** All lands resumed or acquired for the purpose of the works authorised by the City and Suburban Electric Railway Act, 1915, which at the commencement of this Act are vested in the Commissioners, are hereby transferred to and vested in the Secretary for Public Works for all the estate and interest for which the same were, prior to the passing of this Act, vested in the Commissioners as Constructing Authority. 25