

No. 5038.

An Act to make Provision for the Appointment of
certain Persons temporarily employed in the
Railway Service to Permanent Offices therein.

[27th November, 1944.]

BE it enacted by the King's Most Excellent Majesty by
and with the advice and consent of the Legislative
Council and the Legislative Assembly of Victoria in this
present Parliament assembled and by the authority of the
same as follows (that is to say) :—

1. This Act may be cited as the *Railways Act* 1944 and shall be read and construed as one with the *Railways Act* 1928 (hereinafter called the Principal Act) and any Act amending the same all of which Acts and this Act may be cited together as the Railways Acts.

2. Notwithstanding

Short title
construction
and citation.

Nos. 3759,
4327, 4429,
4520, 4724,
4930.

2. Notwithstanding anything in the Railways Acts the Board or the Commissioners (at any time before the expiration of one year after the present war) without giving the public notice required by section one hundred and thirty-nine of the Principal Act may without probation but subject to such examinations and restrictions (if any) as are prescribed by regulations under the Railways Acts appoint to a permanent office in the railway service any person who—

Power to appoint certain persons to permanent offices.

Comp. Nos. 3434 s. 3, 4520 s. 3.

No. 3750 s. 139.

- (a) was in the temporary employment of the Board or the Commissioners on or before the third day of September One thousand nine hundred and thirty-nine; and
- (b) at the commencement of this Act is in the temporary employment of the Board or the Commissioners (whether or not he is engaged on war service as a member of the naval military or air forces of His Majesty or the Commonwealth or any of His Majesty's dominions); and
- (c) has performed such work for such period or periods and in such a manner as in the opinion of the Board or the Commissioners make his appointment to a permanent office desirable for the proper conduct of the business of the railway service.

3. No person shall be so appointed under the provisions of this Act unless and until the head of the branch in which such person is or was employed certifies that he has a satisfactory record of service and is of good character and is thoroughly efficient and recommends him for permanent employment in the railway service:

Recommendation of head of branch necessary.

Comp. Nos. 3434 s. 4, 4520 s. 4.

Provided that any person aggrieved by the refusal of such head to recommend him for permanent employment as aforesaid shall have the right of appeal to the Board or the Commissioners (as the case may be) against such refusal:

Provided that—

- (a) in the application of the provisions of the *Discharged Servicemen's Preference Act 1943* with respect to appointments under the provisions of this Act any person aforesaid who is engaged on war service and who on the completion thereof

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would

would be a discharged serviceman within the meaning of that Act shall be deemed to be a discharged serviceman within the meaning of that Act ; and

- (b) the provisions of sub-section (3) of section two and sub-section (2) of section ten of the *Discharged Servicemen's Preference Act* 1943 shall notwithstanding anything in this section apply with respect to appointments under the provisions of this Act so as to enable a discharged serviceman and a person on behalf of a person deemed to be a discharged serviceman as aforesaid to apply for promotion under the last-mentioned sub-section.
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