

GOVERNMENT RAILWAYS (APPEAL BOARD) BILL.

SCHEDULE showing the Legislative Assembly's Disagreements from the Legislative Council's Amendments, referred to in Message of 23rd September, 1913.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

Page 2, clause 2, lines 14 and 15. *Reinsert* "an officer of the branch of such
" service to which the appellant belongs," *omit* "the officer who has inflicted
" the punishment in respect of which the appeal is brought "

Page 3, new clause 4. *Omit* new clause 4.

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GOVERNMENT RAILWAYS (APPEAL BOARD) BILL.

SCHEDULE of the Amendments referred to in Message of 28th August, 1913.

Page 2, clause 2, lines 14 and 15. *Omit* "an officer of the branch of such service to
"which the appellant belongs," *insert* "**the officer who has inflicted the**
"punishment in respect of which the appeal is brought"

Page 3. *After* clause 2 *insert* new clauses **3** and **4**.

1875
The Government in respect of matters the subject of this
order, the abovementioned persons, and the officers who are authorized to
of persons to be placed in the hands of the police, and to

SCHEDULE of the provisions referred to in clause 1 of the Act of 1875

GOVERNMENT OF THE EAST INDIA COMPANY

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.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 12 August, 1913.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

JOHN J. CALVERT,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 28th August, 1913.*

New South Wales.



ANNO QUARTO

GEORGII V REGIS.

Act No. , 1913.

An Act to amend the Government Railways Act, 1912, with regard to appeals; and for other purposes.

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. This Act may be cited as the "Government Railways (Appeal Board) Act, 1913." It shall commence and take effect on the first day of December, one thousand nine hundred and thirteen.

Short title
and com-
mencement

63497

31—

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Government Railways (Appeal Board).

2. Sections eighty-seven and eighty-eight of the Government Railways Act, 1912, are repealed, and the following section is inserted in lieu thereof:—

Repeal of
ss. 87, 88 of
Act of 1912.

5 87. (1) Every other appeal which may be made by an officer under this Part of this Act shall be made to a board, which shall consist of—

10 a stipendiary or police magistrate, specially appointed in that behalf, who shall be chairman of the board, and shall hold such appointment for a term of three years;

15 such officer of the railway and tramway service as the Chief Commissioner authorises to sit on the board at the hearing of the appeal, not being an officer of the branch of such service to which the appellant belongs; **the officer who has inflicted the punishment in respect of which the appeal is brought.**

20 an officer included in the same division mentioned in the Third Schedule to this Act to which the appellant belongs, and who has been elected for that purpose as hereinafter provided.

25 (2) The officers described in any division of the Third Schedule to this Act shall, as soon as practicable, and thereafter every three years, elect by ballot from among themselves a representative and his deputy to sit on the board.

Third
Schedule.

30 Any such officer so elected may, until the next election under this section, sit on the board, but only on any appeal by an officer included in the division of the Third Schedule to which he belongs. The deputy shall only sit in case of the death, illness, or absence of the representative.

35 Any vacancy among the officers so elected shall be filled by an election under this section.

40 The officers who may vote at and the mode of conducting such elections may be prescribed by regulations which the Chief Commissioner is hereby authorised to make at any time after the passing of this Act.

If an election under this section is for any cause void, or if such election is not held, the Governor, by proclamation in the Gazette, may appoint a fit person to hold the office. (3)

Government Railways (Appeal Board).

(3) The Chief Commissioner shall cause to be given to an appellant at least seven days' notice of the hearing of his appeal. Notice appeal.

3. Subsections one and two of section ninety-two of the Government Railways Act, 1912, are repealed, and the following sections are inserted in lieu thereof:— Repeal of subsections (1) and (2) of s. 92 of Act of 1912.

92. (1) The chairman shall require every person to give his evidence on oath, and may on behalf of the board issue any summons requiring the attendance of witnesses, and if any person so summoned does not attend he shall be liable to a penalty not exceeding fifty pounds.

(2) The appellant or person charged shall be entitled to be represented by a barrister, solicitor, or agent, who may examine witnesses and address the board in his behalf.

4. Subsection one of section ninety-three of the Government Railways Act, 1912, is repealed, and the following subsection is inserted in lieu thereof:— Repeal of subsection (1) of s. 93 of Act of 1912.

(1) Every decision of the board shall be final and conclusive unless the decision involves the question of dismissal, or reduction of rank, position, grade, or pay, in which event the accused or the head of the branch of the service to which the accused belongs may within seven days after being informed of such decision appeal therefrom to the Commissioners.

5. The Schedule at the end of this Act is inserted at the end of the Government Railways Act, 1912, as the Third Schedule to that Act. Additional Schedule to Act of 1912.

THIRD SCHEDULE.

- Division 1.—Officers in the Secretary's, Chief Accountant's, Estate Agent's, Advertising Manager's, Solicitor for Railways', Railway and Tramway Medical Officer's, Comptroller of Stores', and Traffic Auditor's Branches.
- Division 2.—Officers in the clerical and running staff sections of the Locomotive Branch.
- Division 3.—Officers in the mechanical sections of the Locomotive Branch.
- Division 4.—Officers in the Railway Traffic Branch.
- Division 5.—Officers in the Permanent-way Branch of the Railways, including those in the Signalling and Interlocking Branches.
- Division 6.—Officers in the Permanent-way Branch of the Tramways.
- Division 7.—Officers in the Railway and Tramway Electrical Branches.
- Division 8.—Officers in the Tramway Traffic Branch.

Government Railways (Appeal Board)

(3) The Chief Commissioner shall cause to be referred to an appeal board at least seven days before the date of the hearing of the appeal.

3. Subsections one and two of section ninety-two of the Government Railways Act, 1912, are repealed, and the following sections are inserted in their stead:—

92. 11. The chairman shall receive every person to give his evidence on oath and may be sworn by the board, and any witness appearing before the board shall be sworn by the chairman, and if any person is summoned and does not attend he shall be liable to a penalty not exceeding fifty pounds.

12. The chairman or person charged shall be entitled to be represented by a solicitor, advocate or agent, who may examine the witnesses and address the board on the behalf.

4. Subsection one of section ninety-three of the Government Railways Act, 1912, is repealed, and the following subsection is inserted in its stead:—

1. Every decision of the board shall be final and conclusive unless the decision is within the period of six months after the date of the decision or within the period of six months after the date of the decision or within the period of six months after the date of the decision or within the period of six months after the date of the decision.

5. The words "in the case of the railway" in section ninety-four of the Government Railways Act, 1912, are repealed, and the following words are substituted therefor:—

in the case of the railway.

6. The words "in the case of the railway" in section ninety-five of the Government Railways Act, 1912, are repealed, and the following words are substituted therefor:—

in the case of the railway.

7. The words "in the case of the railway" in section ninety-six of the Government Railways Act, 1912, are repealed, and the following words are substituted therefor:—

in the case of the railway.

8. The words "in the case of the railway" in section ninety-seven of the Government Railways Act, 1912, are repealed, and the following words are substituted therefor:—

in the case of the railway.

9. The words "in the case of the railway" in section ninety-eight of the Government Railways Act, 1912, are repealed, and the following words are substituted therefor:—

in the case of the railway.

10. The words "in the case of the railway" in section ninety-nine of the Government Railways Act, 1912, are repealed, and the following words are substituted therefor:—

in the case of the railway.

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.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

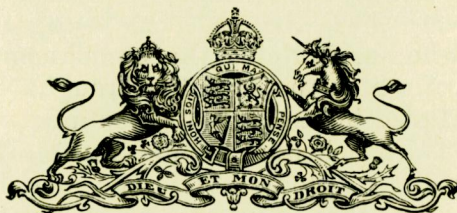
*Legislative Assembly Chamber,
Sydney, 12 August, 1913.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

JOHN J. CALVERT,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 28th August, 1913.*

New South Wales.



ANNO QUARTO

GEORGII V REGIS.

Act No. , 1913.

An Act to amend the Government Railways Act, 1912, with regard to appeals; and for other purposes.

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
5 the same, as follows:—

1. This Act may be cited as the "Government Railways (Appeal Board) Act, 1913." It shall commence and take effect on the first day of December, one thousand nine hundred and thirteen.

Short title
and com-
mencement

63497

31—

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Government Railways (Appeal Board).

2. Sections eighty-seven and eighty-eight of the Government Railways Act, 1912, are repealed, and the following section is inserted in lieu thereof:—

Repeal of
ss. 87, 88 of
Act of 1912.

5 87. (1) Every other appeal which may be made by an officer under this Part of this Act shall be made to a board, which shall consist of—

10 a stipendiary or police magistrate, specially appointed in that behalf, who shall be chairman of the board, and shall hold such appointment for a term of three years;

15 such officer of the railway and tramway service as the Chief Commissioner authorises to sit on the board at the hearing of the appeal, not being an officer of the branch of such service to which the appellant belongs; the officer who has inflicted the punishment in respect of which the appeal is brought.

20 an officer included in the same division mentioned in the Third Schedule to this Act to which the appellant belongs, and who has been elected for that purpose as hereinafter provided.

25 (2) The officers described in any division of the Third Schedule to this Act shall, as soon as practicable, and thereafter every three years, elect by ballot from among themselves a representative and his deputy to sit on the board.

Third
Schedule.

30 Any such officer so elected may, until the next election under this section, sit on the board, but only on any appeal by an officer included in the division of the Third Schedule to which he belongs. The deputy shall only sit in case of the death, illness, or absence of the representative.

35 Any vacancy among the officers so elected shall be filled by an election under this section.

40 The officers who may vote at and the mode of conducting such elections may be prescribed by regulations which the Chief Commissioner is hereby authorised to make at any time after the passing of this Act.

If an election under this section is for any cause void, or if such election is not held, the Governor, by proclamation in the Gazette, may appoint a fit person to hold the office. (3)

Government Railways (Appeal Board).

(3) The Chief Commissioner shall cause to be given to an appellant at least seven days' notice of the hearing of his appeal. Notice appeal.

3. Subsections one and two of section ninety-two of the Government Railways Act, 1912, are repealed, and the following sections are inserted in lieu thereof:— Repeal of subsections (1) and (2) of s. 92 of Act of 1912.

92. (1) The chairman shall require every person to give his evidence on oath, and may on behalf of the board issue any summons requiring the attendance of witnesses, and if any person so summoned does not attend he shall be liable to a penalty not exceeding fifty pounds.

(2) The appellant or person charged shall be entitled to be represented by a barrister, solicitor, or agent, who may examine witnesses and address the board in his behalf.

4. Subsection one of section ninety-three of the Government Railways Act, 1912, is repealed, and the following subsection is inserted in lieu thereof:— Repeal of subsection (1) of s. 93 of Act of 1912.

(1) Every decision of the board shall be final and conclusive unless the decision involves the question of dismissal, or reduction of rank, position, grade, or pay, in which event the accused or the head of the branch of the service to which the accused belongs may within seven days after being informed of such decision appeal therefrom to the Commissioners.

5. The Schedule at the end of this Act is inserted at the end of the Government Railways Act, 1912, as the Third Schedule to that Act. Additional Schedule to Act of 1912.

THIRD SCHEDULE.

Division 1.—Officers in the Secretary's, Chief Accountant's, Estate Agent's, Advertising Manager's, Solicitor for Railways', Railway and Tramway Medical Officer's, Comptroller of Stores', and Traffic Auditor's Branches.

Division 2.—Officers in the clerical and running staff sections of the Locomotive Branch.

Division 3.—Officers in the mechanical sections of the Locomotive Branch.

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Division 5.—Officers in the Permanent-way Branch of the Railways, including those in the Signalling and Interlocking Branches.

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RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 12 August, 1913.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Clerk of the Parliaments.

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*Legislative Assembly Chamber,
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10 appointment for a term of three years;

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15 service to which the appellant belongs;

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