

Act No. 72, 1900.

GOVERNMENT
RAILWAYS
(EMPLOYEES'
APPEAL).
—

An Act to make better provision for the hearing and determination of appeals by employees of the Railway Commissioners, and to amend the Government Railways Act of 1888. [10th December, 1900.]

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:—

Powers, &c., of
Commissioners to
hear and determine
appeals of employees
transferred to Board.

1. (1) Every appeal which, under section sixty-eight, sixty-nine, and except with regard to the right to promotion under section seventy-one of the Principal Act, may be made by an employee to the Commissioners shall, after the commencement of this Act, be made to a Board, which shall consist of the Secretary to the Railway Commissioners, the Chief Accountant, the Chief Mechanical Engineer, the Engineer-in-Chief for Existing Lines, the Chief Traffic Manager, and one employee to be appointed by the Governor, three of whom shall form a quorum; and the respective powers and authorities conferred upon the Commissioners by the Principal Act in respect of appeals under the said sections are hereby conferred upon the said Board: Provided that the employee shall be elected by ballot of the employees, and shall hold office for a term of three years. The name of such employee shall be submitted to the Governor for appointment as aforesaid.

(2) All powers of the Board may be exercised by a majority of the members present at any meeting of the Board, and in case of an equality of votes the chairman of the meeting shall have a second or casting vote. The members present at each meeting of the Board shall appoint one of their number to act as chairman at such meeting.

(3) No member of the Board shall take part in the hearing of any appeal or charge from or against any employee in the branch of which such member is the head.

(4) Every such appeal shall be lodged with the Secretary to the Railway Commissioners within seven days of the date of the decision which is appealed against, and shall be heard by such Board within thirty days from the date of the appeal being so lodged.

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(5) It shall be the duty of the Secretary to the Railway Commissioners to convene all meetings of the Board and to keep a record of all proceedings thereof and decisions arrived at.

(6) In the hearing of an appeal by or charge against any employee, any member of the said Board may administer an oath to every witness at such hearing. The appellant or person charged shall be entitled to have all witnesses examined on oath; and also, if he so desires, he shall be entitled to be represented by a barrister, solicitor, or agent, who shall be at liberty to examine witnesses and address the said Board on his behalf.

(7) The said Board may confirm or modify any decision appealed against, or make any such order thereon as they may think fit, and, in case of a charge made under section sixty-nine of the Principal Act, may exercise any of the powers conferred on the Commissioners by such section.

(8) Every decision of the said Board shall be final and conclusive unless punishment is thereby imposed involving dismissal, or reduction of rank, position, grade, or pay, in which event the accused may, within seven days after being informed of such decision, appeal therefrom to the Commissioners.

(9) Thereupon, the Commissioners may hear, confirm, modify, or otherwise determine such appeal, and such determination shall be final and conclusive. In the hearing of such appeals the appellant shall have the like rights and privileges as he had before the said Board, and the Commissioners may administer an oath to every witness at such hearing.

2. Section sixty-eight of the Principal Act is hereby amended by inserting after the word "to" in subsection one, the words "dismiss or."

Amendment of
section 68 of 51
Vic. No. 35.

3. This Act shall be construed with the Government Railways Act of 1888 (herein referred to as the Principal Act), and Acts amending the same, and may be cited as the "Government Railways (Employees' Appeal) Act, 1900."