

GOVERNMENT RAILWAYS (APPEALS) ACT.

Act No. 43, 1916.

George V, An Act to amend the Government Railways Act, No. 43, 1912, with regard to certain appeals. [Assented to, 3rd October, 1916.]

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 “Government Railways (Appeals) Act, 1916.”

It shall be construed with the Government Railways Act, 1912, hereinafter referred to as the Principal Act.

2.

2. Sections eighty-seven and eighty-eight of the Principal Act are repealed, and the following sections are inserted in lieu thereof:—

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

- (a) a chairman, who shall have the qualifications of a Stipendiary or Police Magistrate, or, where the chairman is absent from the meeting of the board, a vice-chairman, who shall have the qualifications of a Stipendiary or Police Magistrate, each of whom shall be appointed to the office by the Governor, and shall hold such appointment for a term of five years;
- (b) such officer of the railway and tramway service as the Commissioners authorise 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; and
- (c) an officer included in the 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.

(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.

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.

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

The officers who may vote at and the mode of conducting such elections may be prescribed by by-laws which are hereby authorised to be made under Part VII of the Principal Act. If

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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.

Notice of
hearing.

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

Voting at
meetings of
board.

88. (1) At any meeting of such board each member present shall have one vote, and the decision of the majority in number of such members shall be the decision of the board.

Sittings of
board.

(2) The board shall, unless the chairman otherwise directs, sit in Sydney for the hearing of appeals.

Regulations.

(3) The Governor may, with respect to such appeals, make regulations as to—

- (a) the proceedings of the board;
- (b) what expenses (if any) shall be allowed to witnesses, and how and by whom such expenses shall be paid;
- (c) the issue of railway passes to witnesses and appellants;
- (d) the cases in which the salaries of witnesses and appellants will be paid during the proceedings on appeal;
- (e) appeals which the board may consider to be frivolous.

Such regulations shall be published in the Gazette.

Proceedings
before board.

3. Subsections one and two of section ninety-two of the Principal Act are repealed, and the following subsections are inserted in lieu thereof:—

(1) The chairman or vice-chairman of the board shall require every person to give his evidence on oath or declaration, and may on behalf of the board issue any summons requiring the attendance of witnesses; and if any person so summoned does not attend, or refuses to take an oath, or make a declaration, or refuses to give evidence, 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 on his behalf.

4.

4. The following Schedule is added to the Principal Act:—

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THIRD SCHEDULE.

New Third
Schedule.

- (a) Salaried officers in the employ of the Chief Commissioner;
- (b) Officers on wages in the following divisions:—
 - Division 1.—Officers in the clerical and running staff sections of the Locomotive Branch.
 - Division 2.—Officers in the mechanical sections of the Locomotive Branch.
 - Division 3.—Officers in the Railway Traffic Branch.
 - Division 4.—Officers in the Permanent-way Branch of the Railways, including those in the Signalling and Interlocking Branches.
 - Division 5.—Officers in the Permanent-way Branch of the Tramways.
 - Division 6.—Officers in the Railway and Tramway Electrical Branches.
 - Division 7.—Officers in the Tramway Traffic Branch.