

GOVERNMENT RAILWAYS.

17° GEO. V., No. LVI.

No. 56 of 1926.

AN ACT to amend the provisions of the Government Railways Act, 1904, relating to Appeals and the Appeal Board, and to repeal Section fifty-two thereof.

[Assented to 24th December, 1926.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Government Railways Act Amendment Act, 1926*, and shall be read as one with the Government Railways Act, 1904, hereinafter referred to as the principal Act. Short title

2. Section fifty-two of the principal Act is hereby amended by adding thereto a proviso as follows:— Repeal of sec. 52.

Provided that in the case of a permanent employee (as defined in Section 69) where the loss occasioned by such damage is deducted as aforesaid, then such employee shall be entitled to appeal against such deduction to the Appeal Board as provided in said Section 69.

3. Section seventy of the principal Act (inserted by section eight of the Act No. 29 of 1907) is hereby amended as follows:— Amendment of sec. 70.

(1) By substituting for paragraph (c) a paragraph as follows:—

(c) One person his deputy and his substitute to be elected in the prescribed manner from among their number by the employees on the salaried staff ;

One person his deputy and his substitute to be elected in the prescribed manner from the wages staff of the Traffic and Stores branches, and other wages employees of branches not specified ;

One person his deputy and his substitute to be elected in the prescribed manner from the wages staff of the Locomotive Running branch, comprising all locomotive wages employees, other than mechanics and their assistants, employed in the Locomotive Department in connection with the running of trains ;

One person his deputy and his substitute to be elected in the prescribed manner from the wages staff of the locomotive Workshops branch comprising all wages employees of the Chief Mechanical Engineer, excluding those provided for in the last preceding paragraph ;

One person his deputy and his substitute to be elected in the prescribed manner from the wages employees of the Chief Engineer of Way and Works branch ;

One person his deputy and his substitute to be elected in the prescribed manner from among the wages employees of the Government Tramways and Electricity Supply branch ;

And one person his deputy and his substitute to be elected in the prescribed manner from among their number by the salaried staff of the Government Tramways and Electricity Supply branch ;

Provided that only the person elected by the employees upon the staff on which the appellant is employed, his deputy, or his substitute shall act on the Board as the elective member on the hearing of the appeal.

(2) By inserting a subsection as follows :—

(2) Immediately upon the election of an elective member of the Board, the Commissioner shall take the necessary action in regard to such elective member's employment as will ensure his attendance at each sitting of the Board.

(3) By substituting the figure (3) as the number of the subsection (2) of the said section as enacted.

4. Subsection one of section seventy-one of the principal Act (inserted by section nine of the Act No. 29 of 1907) is hereby amended by inserting after the word "taken" in the second line thereof, the words "on a preferential system as prescribed."

Amendment of
sec. 71.

5. Section seventy-two of the principal Act is hereby amended by adding thereto a paragraph as follows:—

Amendment of
sec. 72.

If the hearing of the appeal is not commenced within such thirty days, the punishment appealed against shall be revoked, and the appellant shall be reimbursed any loss of salary or expenses incurred: Provided that if the hearing of the appeal is commenced within such thirty days the Board may allow any adjournment.

6. Section seventy-four of the principal Act is hereby amended as follows:—

Amendment of
sec. 74.

(1) by inserting after the word "procedure" in subsection (5) thereof the words "and issue summonses for the attendance of witnesses," and

(2) By the addition of the following subsections:—

(6) Any person who does not appear pursuant to any such summons (the same having been personally served upon him, or sent by registered post as a letter addressed to him at his place of abode, and his reasonable travelling expenses, according to the prescribed scale, having been paid or tendered to him), and does not assign some reasonable excuse for not so appearing, or who appears and refuses to be sworn or examined, or to produce for the inspection of the Board any document which by such summons he is required to produce, shall be liable on summary conviction to a penalty not exceeding ten pounds.

(7) In addition to travelling expenses, a person attending as a witness shall be entitled to recover from the person at whose instance, or by whom, he was summoned or requested to attend, an amount to be fixed by the Board according to the prescribed scale of allowances to witnesses attending before the Board.