



Western Australia

Government Railways Act 1904

**Government Railways (Appeal Board)  
Regulations 1965**



# Government Railways (Appeal Board) Regulations 1965

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## Government Railways (Appeal Board) Regulations 1965

### Part I — Preliminary

#### 1. Citation

These regulations may be cited as the *Government Railways (Appeal Board) Regulations 1965*<sup>1</sup>.

*[Heading deleted: Gazette 12 Oct 2004 p. 4756.]*

*[2. Deleted: Gazette 6 Jan 1998 p. 33.]*

*[3. Omitted under the Reprints Act 1984 s. 7(4)(f).]*

#### 4. Interpretation

In these regulations unless the context requires otherwise —  
**Appeal Board** means the Appeal Board constituted as provided by section 78 of the Act;

**Form** means a form in the Schedule to these regulations;

**the Act** means the *Government Railways Act 1904*, as amended from time to time.

*[Regulation 4 amended: Gazette 17 Dec 1976 p. 5012;  
12 Oct 2004 p. 4756.]*

*[Part II revoked: Gazette 17 Dec 1976 p. 5012.]*

## **Part III — Procedure for appeals**

### **31. Notice of appeal**

A person desirous of appealing against a decision in respect of which he is entitled under the Act to appeal to the Board shall, within 14 days of the date of that decision, lodge with the Authority a notice of appeal in the Form A in the Schedule addressed to the chief executive officer specifying the decision appealed against and setting out the grounds upon which the appeal will proceed.

*[Regulation 31 amended: Gazette 17 Dec 1976 p. 5012; 12 Oct 2004 p. 4756 and 4757.]*

### **32. Date to be fixed for hearing of appeal**

- (1) The Authority shall forward the notice of appeal to the Chairman of the Board who shall thereupon fix a time and place for the hearing of the appeal and give notice thereof to the Authority, the industrial union and the appellant by notice in the form of Form B.
- (2) Where there is no industrial union the Chairman of the Appeal Board shall cause notice to be given to the appellant of the time and place for the hearing of the appeal by notice in the form of Form C.
- (3) Upon receipt of a notice in the form of Form B of the time and place fixed for the appeal the Authority shall direct that arrangements be made to allow and enable the appellant and every member of the Appeal Board to attend at the hearing.

*[Regulation 32 amended: Gazette 17 Dec 1976 p. 5012; 12 Oct 2004 p. 4757.]*

### **32A. Appointment of union representative**

An appointment pursuant to section 78(1)(c)(i) of the Act shall be in the form of Form D and shall be lodged with the Authority

prior to the seventh day immediately preceding the date fixed for the hearing of the appeal.

*[Regulation 32A inserted: Gazette 17 Dec 1976 p. 5012; amended: Gazette 12 Oct 2004 p. 4757.]*

**32B. Notice of no appointment of union representative**

Where the industrial union has not made an appointment pursuant to section 78(1)(c)(i) of the Act prior to the seventh day immediately preceding the date fixed for the appeal the Chairman of the Appeal Board shall forthwith cause notice to be given to the appellant of that fact by notice in the form of Form E.

*[Regulation 32B inserted: Gazette 17 Dec 1976 p. 5012.]*

**32C. Appointment by appellant**

Where an appellant receives a notice in the form of Form C or Form E he shall, not later than the day immediately preceding the date fixed for the hearing of the appeal, appoint a person as a member of the Appeal Board pursuant to section 78(1)(c)(ii) of the Act by notice in writing in the form of Form F lodged with the Authority.

*[Regulation 32C inserted: Gazette 17 Dec 1976 p. 5013; amended: Gazette 12 Oct 2004 p. 4757.]*

**33. Cost of attendance of appellant**

The attendance of the appellant and his witnesses shall in the first instance, and until the Board directs otherwise, be at the cost of the appellant.

**34. Attendance of employees as witnesses**

- (1) An employee who desires to attend before the Board as witness for an appellant shall give not less than 3 days' notice in writing of such desire to his immediate superior, and thereupon leave for that purpose shall be arranged.

- (2) An employee may elect that the leave granted in accordance with this regulation be either without pay or be debited against leave, other than long service leave, that may be due to him, and of such election shall give notice to the Authority.

*[Regulation 34 amended: Gazette 12 Oct 2004 p. 4757.]*

**35. Passes for rail journeys to attend appeal**

- (1) Where in order to attend the hearing of an appeal a journey by rail is necessary, the Authority shall issue passes to the appellant and his witnesses to enable attendance by them at such hearing.
- (2) If the appeal by the appellant is dismissed, the value of the passes issued pursuant to this regulation may, unless the Board directs otherwise, be charged against the appellant at the rate applicable for ordinary fares for privilege tickets, or with the concurrence of the users of those passes may be treated as privilege passes if the appellant and his witnesses are so entitled.

*[Regulation 35 amended: Gazette 12 Oct 2004 p. 4756 and 4757.]*

**36. Allowances to witnesses**

- (1) The allowance to witnesses for their expenses for attendance at hearings of appeals shall be —
- (a) for employees of the Authority, ordinary wages and travelling expenses in force from time to time;
  - (b) for persons not employed by the Authority, the same expenses as are allowed to witnesses in Local Courts.
- (2) Allowances prescribed under this regulation shall be a debt due to the witness from the person by whom or at whose instance he was summoned or requested to attend at the hearing and may be recovered in any court of competent jurisdiction.

*[Regulation 36 amended: Gazette 12 Oct 2004 p. 4757.]*



**37. Authority to decide questions as to regulations**

In the event of any dispute or question arising as to the meaning of any provision of these regulations, or as to anything done or omitted to be done, or alleged to have been done or omitted to be done, thereunder or contrary thereto, the same shall be referred to the Authority whose decision shall be final.

*[Regulation 37 amended: Gazette 12 Oct 2004 p. 4757.]*

Schedule

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**Schedule**

**Form A**

*Government Railways Act 1904*

*Government Railways (Appeal Board) Regulations 1965*

Reg. 31

**NOTICE OF APPEAL**

TO CHIEF EXECUTIVE OFFICER,  
PUBLIC TRANSPORT AUTHORITY:

I, ..... of .....  
employed (or lately employed) in the Public Transport Authority of Western  
Australia at ..... as .....  
and having been continuously employed with the Authority for not less than  
6 months, do hereby appeal against a decision of <sup>1</sup> .....  
given on the ..... day of ..... 20.....  
whereby I was <sup>2</sup> .....  
for an offence alleged to have been committed by me, namely (state particulars)  
.....  
.....  
.....  
.....

I was at the material time a member of the ..... Union.

I desire to give notice, without prejudice, that at the hearing of the appeal I  
intend to dispute — \*

- (a) the facts giving rise to the decision and the severity of the punishment;
- (b) the severity of the punishment only.

\* Delete whichever of paragraphs (a) or (b) is not required.

Signature .....

Address .....

Date .....

<sup>1</sup> Appellant to insert title of officer against whose decision he appeals.

<sup>2</sup> Appellant to insert —

- (1) fined; or
- (2) reduced to a lower class or grade; or
- (3) dismissed; or
- (4) suspended from employment in such circumstances as to involve loss of pay; or
- (5) transferred by way of punishment involving loss of transfer expenses,

as the case may be.

*[Form A inserted: Gazette 10 Jun 1977 p. 1803; amended: Gazette 12 Oct 2004 p. 4756 and 4757.]*

**Schedule**

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**Form B**

*Government Railways Act 1904*

*Government Railways (Appeal Board) Regulations 1965*

Reg. 32(1)

**NOTICE OF HEARING OF APPEAL**

NOTICE is hereby given that an appeal has been lodged by .....  
..... employed (or lately employed) by the Public  
Transport Authority of Western Australia at .....  
..... as .....  
against the decision of ..... given on the  
..... day of ..... 20.....

This is to notify you that the appeal will be heard at .....  
on the ..... day of ..... 20.....  
at ..... a.m./p.m.

The ..... industrial union of which the  
appellant is or was at the material time a member is requested to appoint a  
member of the Appeal Board pursuant to section 78(1)(c)(i) of the Act by notice  
in writing in the form of Form D attached hereto which shall be lodged with the  
Authority prior to the seventh day immediately preceding the date fixed for the  
hearing of the appeal.

Copy to Public Transport Authority of Western Australia

..... Industrial Union

..... Appellant

Dated at ..... this ..... day of .....  
20.....

Chairman,  
Appeal Board.

*[Form B inserted: Gazette 17 Dec 1976 p. 5013; amended: Gazette  
12 Oct 2004 p. 4756 and 4757.]*

**Form C**

*Government Railways Act 1904*

*Government Railways (Appeal Board) Regulations 1965*

Reg. 32(2)

**NOTICE OF HEARING OF APPEAL**

NOTICE is hereby given that an appeal has been lodged by .....  
..... employed (or lately employed) by the Public  
Transport Authority of Western Australia at .....  
..... as .....  
against the decision of .....  
given on the ..... day of ..... 20.....

This is to notify you that the appeal will be heard at .....  
..... on the ..... day of  
..... 20..... at ..... a.m./p.m.

As there is no industrial union of which the appellant is or was at the material  
time a member the appellant is requested to appoint a member of the Appeal  
Board pursuant to section 78(1)(c)(ii) of the Act by notice in writing in the form  
of Form F (attached hereto) which shall be lodged with the Authority prior to  
the day immediately preceding the date fixed for the hearing of the appeal.

Copy to Public Transport Authority of Western Australia.

..... Appellant.

Dated at ..... this ..... day of .....  
20.....

Chairman,  
Appeal Board.

*[Form C inserted: Gazette 17 Dec 1976 p. 5014; amended: Gazette  
12 Oct 2004 p. 4756 and 4757.]*

**Schedule**

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**Form D**

*Government Railways Act 1904*

*Government Railways (Appeal Board) Regulations 1965*

Reg. 32A

**NOTICE TO INDUSTRIAL UNION TO APPOINT MEMBER**

TO CHAIRMAN OF THE APPEAL BOARD:

This is to notify you that the .....  
industrial union acting pursuant to section 78(1)(c)(i) of the Act has appointed  
..... as a member of the Appeal Board for the hearing of  
the appeal to be held at ..... on the .....  
day of ..... 20..... at ..... a.m./p.m.  
lodged by ..... employed  
(or lately employed) by the Public Transport Authority of Western Australia at  
.....  
as .....  
against the decision of .....  
given on the ..... day of ..... 20.....

..... (President)

(signed)

..... (Secretary)

(signed)

I .....  
hereby consent to act as a member of the Appeal Board.

.....  
Signature of appointee.

*[Form D inserted: Gazette 17 Dec 1976 p. 5014; amended: Gazette  
12 Oct 2004 p. 4757.]*

**Form E**

*Government Railways Act 1904*

*Government Railways (Appeal Board) Regulations 1965*

Reg. 32B

**NOTICE TO APPELLANT TO APPOINT A MEMBER**

To

This is to notify you that the industrial union of which you are or were at the material time a member has been notified of the hearing of your appeal to be held at ..... on the ..... day of ..... 20..... at ..... a.m./p.m. but has failed to appoint a member to the Appeal Board prior to the seventh day immediately preceding the date fixed for the hearing of the appeal.

You may, pursuant to section 78(1)(c)(ii) of the Act, appoint a person as a member of the Appeal Board to hear the appeal by notice in the form of Form F attached hereto which shall be lodged with the Authority prior to the day immediately preceding the date fixed for the hearing of the appeal\*.

.....  
Chairman Appeal Board.

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\* Failure by appellant to appoint a person to represent him on the board, within the time prescribed, will cause the appeal to lapse as determined in section 80(a) of the Act.

*[Form E inserted: Gazette 17 Dec 1976 p. 5015; amended: Gazette 12 Oct 2004 p. 4757.]*

**Schedule**

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**Form F**

*Government Railways Act 1904*

*Government Railways (Appeal Board) Regulations 1965*

Reg. 32C

**NOTICE OF APPOINTMENT OF MEMBER BY APPELLANT**

TO CHAIRMAN APPEAL BOARD

This is to notify you that I .....  
the appellant in the appeal to be heard at .....  
..... on the ..... day of .....  
20..... at ..... a.m./p.m. acting under section 78(1)(c)(ii) of the Act  
hereby appoint ..... of .....  
..... as a member of the Appeal Board.

.....  
(Signed)  
Appellant.

*[Form F inserted: Gazette 17 Dec 1976 p. 5015; amended: Gazette  
12 Oct 2004 p. 4757.]*



### Notes

- <sup>1</sup> This reprint is a compilation as at 5 November 2004 of the *Government Railways (Appeal Board) Regulations 1965* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### Compilation table

Citation	Gazettal	Commencement
<i>Government Railways (Appeal Board) Regulations 1965</i>	31 Aug 1965 p. 2562-70	31 Aug 1965
Untitled regulations	18 Aug 1971 p. 3055	18 Aug 1971
Untitled regulations	17 Dec 1976 p. 5012-15	1 Jan 1977 (see <i>Gazette</i> 31 Dec 1976 p. 5128)
Untitled regulations	10 Jun 1977 p. 1803	10 Jun 1977
<i>Miscellaneous Amendments Regulations 1997 r. 2</i>	6 Jan 1998 p. 33	6 Jan 1998
<i>Government Railways (Appeal Board) Amendment Regulations 2004</i>	12 Oct 2004 p. 4755-7	12 Oct 2004
<b>Reprint 1: The <i>Government Railways (Appeal Board) Regulations 1965</i> as at 5 Nov 2004 (includes amendments listed above)</b>		

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Defined terms

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**Defined terms**

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
Appeal Board .....	4
Form.....	4
the Act.....	4