

# GOVERNMENT RAILWAYS.

No. 27 of 1976.

**AN ACT to amend the Government Railways Act,  
1904-1975.**

*[Assented to 9th June, 1976.]*

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Government Railways Act Amendment Act, 1976.*

Short title  
and  
citation.

(2) In this Act the Government Railways Act, 1904-1975 is referred to as the principal Act.

Approved  
for  
reprint  
12th  
June, 1973  
and  
amended  
by Acts  
Nos. 94 of  
1972 as  
amended  
by 19 of 1973;  
94 of 1973;  
66 of 1975  
and 73 of  
1975.

(3) The principal Act as amended by this Act may be cited as the Government Railways Act, 1904-1976.

Commence-  
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Section 78  
amended.

3. Section 78 of the principal Act is amended—

(a) as to subsection (1)—

(i) by deleting the passage “deputy;”, in line four of paragraph (b) and substituting the passage “deputy; and”; and

(ii) by deleting paragraph (c) and substituting a new paragraph as follows—

(c) One person to be appointed—

(i) by the industrial union;  
or

(ii) if there is no such union, or if that union has not made the appointment prior to the seventh day immediately preceding the date fixed for the hearing of the appeal, by the appellant personally by notice in writing given to the chairman of the Appeal Board,

or a person appointed in like manner to be his deputy. ;

(b) by repealing subsection (2) and substituting a subsection as follows—

(2) The Commission shall take the necessary action in regard to a person appointed to the Appeal Board pursuant to paragraph (c) of subsection (1) of this section as will ensure his attendance at each sitting of the Appeal Board. ; and

(c) by adding a subsection as follows—

(3) For the purposes of the provisions of this Act relating to appeals to the Appeal Board a reference to “the industrial union” shall be construed as a reference to the industrial union of workers or a trade union registered under a law of the State or the Commonwealth relating to the conciliation and arbitration of industrial disputes or the registration of trade unions of which the appellant is or was at the relevant time a member. .

4. Section 79 of the principal Act is repealed and the following section substituted—

Section 79 substituted.

79. The term of office of every person who is entitled to be a member of an Appeal Board pursuant to paragraph (c) of subsection (1) of section seventy-eight of this Act as in force immediately before the coming into operation of the Government Railways Act Amendment Act, 1976 is terminated by force of this section but a person who is a member of an Appeal Board pursuant to that provision who is hearing an appeal at the time of the coming into operation of the Government Railways Act Amendment Act, 1976 may continue in office for the purpose of completing and determining that appeal. .

Transitional provision.

5. Section 80 of the principal Act is amended—

Section 80 amended.

(a) by adding after the passage “lodged.” in line six the following paragraph—

Where the industrial union fails to make an appointment by the time prescribed by subparagraph (ii) of paragraph (c) of subsection (1) of section seventy-eight of this Act and the appellant fails to make an appointment pursuant to that subparagraph prior to

the day immediately preceding the date fixed for the hearing of the appeal, the appeal shall be deemed to have lapsed and the decision appealed against shall have full force and effect. ; and

- (b) by deleting the passage "If the hearing of the appeal is not commenced within such thirty days," in lines seven and eight and substituting the passage "Where, for reasons not related to the appointment of a member by the industrial union or the appellant, the hearing of the appeal is not commenced within thirty days from the lodging of the notice of appeal," .

Section 82  
amended.

6. Section 82 of the principal Act is amended by deleting the words "to which the appellant belongs", in lines two and three of subparagraph (ii) of paragraph (a) of subsection (4).

Section 84  
amended.

7. Section 84 of the principal Act is amended by deleting paragraph (1) and substituting a paragraph as follows—

- (1) Relating to the appointment and attendance of persons appointed to the Appeal Board pursuant to paragraph (c) of subsection (1) of section seventy-eight of this Act. .
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