



Western Australia

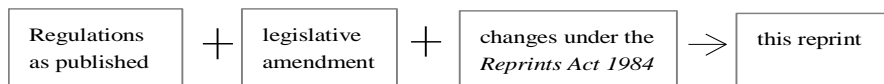
Government Railways Act 1904

Government Railways (Appeal Board) Regulations 1965

Reprint 1: The regulations as at 5 November 2004

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Government Railways (Appeal Board) Regulations 1965

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Reprinted under the
Reprints Act 1984 as
at 5 November 2004

Western Australia

Government Railways Act 1904

Government Railways (Appeal Board) Regulations 1965

Part I — Preliminary

1. Citation

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

[Heading deleted in Gazette 12 Oct 2004 p. 4756.]

[2. *Repealed in 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;

Government Railways (Appeal Board) Regulations 1965

Part I Preliminary

r. 4

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

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

[Part II revoked in 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 in 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 in 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

r. 32B

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

[Regulation 32A inserted in Gazette 17 Dec 1976 p. 5012; amended in 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 in 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 in Gazette 17 Dec 1976 p. 5013; amended in 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 in 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 in 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 in Gazette 12 Oct 2004 p. 4757.]

r. 37

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 in Gazette 12 Oct 2004 p. 4757.]

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 ¹
given on the day of 20.....
whereby I was ²
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

Schedule

¹. Appellant to insert title of officer against whose decision he appeals.

². 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 in Gazette 10 Jun 1977 p. 1803; amended in Gazette 12 Oct 2004 p. 4756 and 4757.]

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 in Gazette 17 Dec 1976 p. 5013; amended in Gazette
12 Oct 2004 p. 4756 and 4757.]*

Schedule

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 in Gazette 17 Dec 1976 p. 5014; amended in Gazette
12 Oct 2004 p. 4756 and 4757.]*

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 in Gazette 17 Dec 1976 p. 5014; amended in Gazette
12 Oct 2004 p. 4757.]*

Schedule

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.

-
- * 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 in Gazette 17 Dec 1976 p. 5015; amended in Gazette 12 Oct 2004 p. 4757.]

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 in Gazette 17 Dec 1976 p. 5015; amended in Gazette
12 Oct 2004 p. 4757.]*



Notes

- ¹ 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</i> r. 2	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
Reprint 1: The Government Railways (Appeal Board) Regulations 1965 as at 5 Nov 2004 (includes amendments listed above)		
