

14 GEO. V. No. 40, 1923. *Salaries Act.* 14 GEO. V. No. 15, 1923.

PUBLIC SERVICE.

An Act to Amend "The Salaries Act of 1922" in a certain particular.

[ASSENTED TO 15TH NOVEMBER, 1923.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Salaries Act Amendment Act of 1923*," and shall be read as one with *"*The Salaries Act of 1922*," herein called the Principal Act.

14 Geo. V.
No. 40.
THE
SALARIES
ACT
AMENDMENT
ACT OF 1923.

Short title
and
construction
of Act.

2. In the proviso to section six of the Principal Act, after the words "Provided that" the words "save as is next hereinafter mentioned" are inserted, and the following provision is added to the said section:—

Amendment
of s. 6.

"Notwithstanding the last foregoing provision, every member of the Police Force shall make payments towards the Police Superannuation Fund in the amounts which are payable on the salary actually received by him after any deduction from salary by this Act prescribed has been made."

RACECOURSES.

See GAMING.

RAILWAYS.

An Act to Amend "The Railways Act of 1914" in certain particulars.

[ASSENTED TO 2ND OCTOBER, 1923.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

14 Geo. V.
No. 15.
THE
RAILWAYS
ACT
AMENDMENT
ACT OF 1923.

1. This Act may be cited as "*The Railways Act Amendment Act of 1923*," and shall be read as one with †"*The Railways Act of 1914*" and "*The Railways Act*"

Short title
and
construction
of Act.

* 13 Geo. V. No. 7 *supra*, page 10195.

† 5 Geo. V. No. 24 and 6 Geo. V. No. 28, *supra*, page 7215.

Railways Act Amendment Act. 14 GEO. V. NO. 15,

Amendment Act of 1915,” herein collectively referred to as the Principal Act; and those Acts and this Act may be cited together as “*The Railways Acts, 1914 to 1923.*”

Amendment
of s. 5.

2. In section five of the Principal Act, after the definition of “Service” the following definition is inserted:—

Southern
Division.

““Southern Division,” for the purposes of this Act, comprises the South-Eastern Division and the South-Western Division of the State Railways, and references in this Act to the term “Division” shall, so far as relates to the Southern Division, be deemed to be to the Southern Division comprising the two Divisions aforesaid.”

3. Sections thirteen and fourteen of the Principal Act are repealed, and the following sections are inserted in lieu thereof:—

General
Managers.

“[13.] The Commissioner shall appoint General Managers, who, subject to the Commissioner, shall have charge of different sections of the railways as required by the Commissioner.

Duty of
General
Managers.

[14.] The General Managers shall, subject to the direction and control of the Commissioner, assist him in the general management, inspection, and supervision of the railways under their respective charge.”

Amendment
of s. 15.

4. Subsection two of section fifteen of the Principal Act is repealed, and the following subsection is inserted in lieu thereof:—

“(2.) In the case of the death of the Commissioner, the Governor in Council shall temporarily appoint some person who shall assume and exercise all the powers and authorities and perform all the duties of the Commissioner until a new Commissioner is appointed.”

Amendment
of s. 16.

5. In section sixteen of the Principal Act, the words “Deputy Commissioner” are repealed and the words “General Manager” are inserted in lieu thereof; also the words “heads for the time being,” where they twice occur, are repealed and the words “officers for the time being in charge of” are respectively inserted in lieu thereof.

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6. The following provision is added to subsection four of section seventeen of the Principal Act :— Amendment of s. 17.

“Any employee dismissed by the Commissioner may appeal from such dismissal by a memorial to the Governor in Council within a time and in the manner to be prescribed by the regulations; and the decision of the Governor in Council on such appeal shall be final.”

7. In subsection one of section eighteen, the words “his Division each Deputy Commissioner” are repealed and the words “the Central and Northern Divisions the General Managers” are inserted in lieu thereof. Amendment of s. 18.

8. The following subsection is added to section twenty of the Principal Act :— Amendment of s. 20.

“(3.) Any employee may appeal against any appointment made under this section, by memorial to the Governor in Council, within a time and in the manner to be prescribed by the regulations; and the decision of the Governor in Council on such appeal shall be final. A return of all such certificates and appeals shall be contained in the Annual Report.” Appeal.

9. (1.) The following provision is added to subsection one of section twenty-one of the Principal Act :— Amendment of s. 21.

“For the purposes of this section the appointment to a vacancy of an employee who voluntarily relinquishes a higher position shall be considered as promotion.”

(2.) In subsection two of the said section, the words “Deputy Commissioner” are repealed and the words “General Manager” are inserted in lieu thereof.

(3.) In subsection three of the said section, the words “who is so passed over” are repealed and the words “against any appointment under this section” are added to the said subsection.

10. In subsection one of section twenty-three of the Principal Act, the words “Each Deputy Commissioner or” are repealed; also after the words “branch of the service” the words “or officer acting in that capacity” are inserted; also the word “three” is repealed. Amendment of s. 23.

The following subsection is added to the said section :—

“(3.) Any employee who has succeeded in his appeal to the Appeal Board shall not be re-charged or further dealt with for the same offence.” No further action if appeal succeeds.

Amendment
of s. 26.

11. Subsection two of section twenty-six of the Principal Act is repealed and the following subsection is inserted in lieu thereof :—

“(2.) The Commissioner shall publish in the *Gazette*, once in every two years, a list of persons employed in the service up to the thirtieth day of June of the year in which the list is compiled.”

Amendment
of s. 30.

12. Section thirty of the Principal Act is amended as follows :—

(a) In subsection one, the word “Four” is repealed and the word “Five” is inserted in lieu thereof; also the words “and General Traffic Manager; or, in the Central and Northern Divisions respectively, the officers in control of Traffic, Maintenance, and Locomotive work” are repealed, and the words “(or Works Manager) General Manager of the South-Eastern Division, and General Manager of the South-Western Division; or, in the Central and Northern Divisions respectively, the General Manager of such Division” are inserted in lieu thereof.

(b) The following provision is added to subsection two :—

“Provided that if appellant is a clerk, or an officer working in an administrative or clerical capacity, he shall be represented on the Appeal Board by a clerk elected under subsection three hereof.”

(c) In subsection three, the word “four” is repealed and the word “five” is inserted in lieu thereof; also the words “and the Traffic Branch” are repealed and the words “the Traffic Branch and the Clerical staff generally” are inserted in lieu thereof.

(d) In subsection four, the words “Deputy Commissioners” are repealed and the words “General Managers” are inserted in lieu thereof.

(e) In subsection five, after the word “elsewhere,” where it first occurs, the words “within the said Division” are inserted.

The following provision is added to the said subsection :—

“Provided that in cases where an appeal is lodged by an employee in one Division against the appointment or promotion of another employee to a vacancy in another Division, the chairman of the Board of the Division in which the vacancy has been filled shall

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request the chairman of the Board of the Division in which the appellant is employed or some other competent person or persons to take evidence on oath in that Division concerning the matter of such appeal. Such evidence in writing shall be forwarded for the consideration of the Board hearing the appeal. But nothing herein shall be construed so as to prevent an appellant attending before such Board with his witnesses (if any) and giving and adducing evidence orally before such Board."

(f) In subsection six, the word "seven" is repealed and the word "fourteen" is inserted in lieu thereof; also, the word "four" is repealed and the word "seven" is inserted in lieu thereof.

(g) After subsection nine, the following subsections are inserted:—

"(9A.) An appeal shall lie by an employee in one Division against the appointment or promotion of another employee to a vacancy in another Division, and the Board of the Division in which such vacancy has been filled shall investigate in open court every such appeal, and take into consideration the evidence, if any, forwarded to them as provided by subsection five hereof, and give their decision upon the matter of the appeal.

(9B.) An appeal shall lie against any transfer of an employee made for disciplinary reasons, whether such transfer is made from one locality to another or from one office to another:

Provided that, before proceeding to hear any such appeal, the Board shall be satisfied by evidence that such transfer was made for disciplinary reasons and not otherwise.

(9C.) An appeal shall lie against the appointment of an employee to any position in an acting capacity after such employee has remained in such acting capacity for a period of not less than three months."

(h) After subsection eleven, the following subsection is inserted:—

"(11A.) If the Board uphold the appeal or any part thereof, it shall grant such reasonable expenses to the appellant as the Board think fit:

Provided that where in any case expenses are granted under this subsection, the Commissioner may

require the amount thereof to be taxed by a taxing officer of the Supreme Court, and the amount shall be taxed accordingly, and the amount allowed on taxation shall be the amount to be paid to the appellant. Payment of expenses due to an appellant under this subsection may be enforced in the same manner as a judgment of the Supreme Court."

13. After section thirty-two of the Principal Act the following sections are inserted:—

inquiry into
misconduct,
&c., of
employee.

"[32A.] (1.) Upon a charge being made against an employee of any misconduct, neglect of duty, or breach of any rule or by-law of the service, he shall forthwith be furnished with a copy of the charge, and shall, by notice in writing, be required to state in writing whether he admits or denies the truth of the charge, and to give any explanation in writing which he desires to furnish as to such charge.

(2.) If upon such charge being made such employee denies the truth of the charge, an inquiry shall be held into the matter of the charge by a board of inquiry composed of such person or persons specially appointed by the Commissioner or the head of the branch concerned for the purpose, and one employees' representative who is employed in the Branch in which the accused is employed, and for this purpose an employee in the Head Office or in the Stores Branch shall be deemed to be attached to the Traffic Branch, and an employee in the Signal and Light Engineer Branch shall be deemed to be attached to the Maintenance Branch, and the Running Staff and Workshops Staff of the Locomotive Branch shall be deemed to be separate Branches.

For the purposes of this section five employees (herein called respectively "employees' representatives") shall be elected for each of the Divisions of the State following, namely:—The South-Eastern Division, the South-Western Division, the Central Division, the Northern Division (exclusive of the locality served by the Cairns Railway), and the locality served by the Cairns Railway which for this purpose shall be known as the Cairns Division:

Provided that if the employee charged is a clerk, or an officer working in an administrative or clerical capacity, he shall be represented on the board of inquiry by a clerk elected under subsection three hereof.

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(3.) The five employees' representatives in each such Division shall be elected respectively by ballot by the respective employees, excluding clerical employees, in the Maintenance Branch, the Locomotive Branch (Running Staff), the Locomotive Branch (Workshops Staff), and the Traffic Branch in each such Division. The clerical employees in all branches of the service in each such Division shall elect by ballot a clerk to represent them on the board of inquiry. Each employee shall have only one vote.

If two or more employees for the same representation obtain an equal number of votes, the matter shall be decided as between them by lot.

Each employees' representative shall hold office for three years if he remains in the service during that period.

(4.) Every such board of inquiry shall be deemed to be a board of inquiry within the meaning of and for the purposes of section one hundred and forty-three of this Act.

(5.) Such board shall hold the inquiry, and shall forward their decision, including the finding of every member who dissents from the decision of the majority of the members of such board, to the Commissioner, or head of the branch concerned, as the case may be. Decision.

[32B.] In the event of any employees' representative on a board of inquiry being unable to sit upon any inquiry, the employee who at the ballot received the next greatest number of votes at the election of representatives shall act as deputy of such employees' representative. In the event of the employees' representative having been the only person nominated at the ballot, and an inquiry being necessary in his absence, the Union concerned shall nominate another member to act as deputy upon the inquiry. Absence of member of Board.

Every deputy shall, for the time during which he acts as deputy, have all the powers and perform all the duties of such member of the Board concerned.

All the powers of the board of inquiry may be exercised by a majority of the members present at any meeting of the board."

14. In section seventy-four and in subsections one and two of section seventy-five of the Principal Act, the words "and in respect of the Northern and Central Amendment of ss. 74 and 75.

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Divisions the Deputy Commissioner concerned” are repealed and the words “and in respect of each other Division the General Manager concerned” are respectively inserted in lieu thereof.

Amendment
of s. 106, &c.

15. In sections one hundred and six, one hundred and ten, one hundred and twelve, one hundred and thirteen, one hundred and fourteen, one hundred and nineteen, and one hundred and thirty of the Principal Act, the words “Deputy Commissioner,” wherever they occur, are repealed and the words “General Manager” are respectively inserted in lieu thereof.

Amendment
of s. 126.

16. In section one hundred and twenty-six of the Principal Act, the words “the Northern and Central Divisions the Deputy Commissioner” are repealed and the words “each other Division the General Manager” are inserted in lieu thereof; also the words “Deputy Commissioner,” where they occur in the second paragraph of the said section, are repealed and the words “General Manager” are inserted in lieu thereof.

REDEMPTION OF GOVERNMENT LOANS.

See LOANS.

REGISTRATION OF STALLIONS.

See STOCK.

RENTS OF CATTLE HOLDINGS.

See LAND, CROWN.

REVIEW OF CATTLE-HOLDING RENTS.

See LAND, CROWN.
