

17 GEO. V. No. 13, 1926. *Railways Acts Amendment Act.*

## PUBLIC CURATOR.

*See* TRUSTEES.

## PUBLIC WORKS.

*See* WORKS.

## RAILWAYS.

### An Act to Amend "The Railways Acts, 1914 to 1923," in certain particulars.

17 Geo. V.  
No. 13.  
THE  
RAILWAYS  
ACTS  
AMENDMENT  
ACT OF 1926.

[ASSENTED TO 3RD NOVEMBER, 1926.]

**B**E 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 Railways Acts Amendment Act of 1926*," and shall be read as one with "*The Railways Acts, 1914 to 1923*,"\* herein collectively referred to as the Principal Act.

Short title  
and  
construction  
of Act.

2. In subsection one of section twenty-one of the Principal Act, after the words "vacant office" the words "if he applies for the same" are inserted.

Amendment  
of s. 21.

In subsection three of the said section, after the word "employee" the words "who was an unsuccessful applicant for the vacant office" are inserted.

3. After section twenty-two of the Principal Act the following section is inserted:—

"[22A.] (1.) Any employee who leaves his work or absents himself from work at any time shall, without any notice or process other than this section, forfeit to the Commissioner the sum of one pound, and in addition shall not be entitled to any pay in respect of the time during which he is absent from work. Each such amount of one pound shall be a charge against the salary or wages of such employee, and shall be deducted therefrom and paid over to the Commissioner.

Leaving  
work, &c.

\* 5 Geo. V. No. 24 and amending Acts, *supra*, pages 7215 and 10325.

*Railways Acts Amendment Act.* 17 GEO. V. No. 13.

Application  
of this  
section.

(2.) The provisions of this section shall be applicable and shall be applied in every case where the Commissioner, by an order in writing and sealed with his official seal, directs and declares that the provisions of this section shall be brought into operation with respect to all or any employees or any section or sections of employees who have left their work or absented themselves from work or leave their work or absent themselves from work.

In any such order it shall not be necessary to designate by name any employees.

Forthwith upon the making of such order all employees to whom such order relates who have left their work or absented themselves from work or who, while such order remains in force, leave their work or absent themselves from work shall be dealt with in accordance with the provisions of this section, and no other section of this Act in anywise relating to such leaving or absence shall be applicable or be applied in any case to which this section relates.

Any such order may be made and enforced against the employees to whom it relates notwithstanding that such leaving or absence has already taken place in respect of them or some of them; but such order shall not be made so as to relate to any act of leaving work or absence from work which took place more than fourteen days before the date of such order.

Any such order may be rescinded at any time, but the rescission of such order shall not in anywise affect or prejudice the previous operation thereof or anything done or suffered under this section or in pursuance thereof.

Not to  
apply in  
case of  
authorised  
strikes.

(3.) The provisions of this section shall not be made applicable or applied in any case where the leaving of work by or absence from work of employees constitutes or is part of a strike within the meaning of "*The Industrial Arbitration Act of 1916*,"\* which strike is an authorised strike under subsection one of section sixty-five of that Act."

Amendment  
of s. 30.

4. The following amendments are made in section thirty of the Principal Act:—

In subsection one, after the words "Governor in Council" the words "for each of the Divisions of the State respectively" are repealed and the words "for the

\* 7 Geo. V. No. 16, *supra*, page 7538.

1926.

*Railways Acts Amendment Act.*

whole State” are inserted in lieu thereof; also, all words in the said subsection, beginning with the words “In the Southern Division” and ending with the words “such Division” are repealed and the following words are inserted in lieu thereof:—

“In each of the Divisions respectively of the State, an officer to be designated in that behalf by the Commissioner either generally or for the purposes of any particular case.”

In subsection two, the words “one of the aforesaid officers” are repealed and the words “the officer aforesaid designated by the Commissioner for the Division or the particular case, as the case may be” are inserted in lieu thereof.

The last paragraph of subsection three is repealed.

In subsection four, all words from and including the words “In respect” to and including the words “arrived at” are repealed and the words “The Secretary (or a deputy appointed by the Commissioner in that behalf) shall convene all meetings of the respective Boards and shall keep or cause to be kept a record of all proceedings thereof and of the decisions arrived at” are inserted in lieu thereof.

In the second paragraph of subsection five, the words “the Chairman of the Board of the Division in which the vacancy has been filled shall 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” are repealed and the words “the Chairman of the Board shall, on the request of the appellant, require some competent person or persons to take evidence on oath in the Division in which the appellant is employed” are inserted in lieu thereof.

In the first paragraph of subsection six, the words “and shall be heard by the Board as early as practicable after the date when the appeal is received by the Secretary” are repealed and the words “or, in the case of an appeal by an employee pursuant to his right of appeal under section twenty-one of this Act, within twenty-one days after the date of the weekly notice in which the appointment appealed against is published. The Secretary (or a deputy appointed as aforesaid) shall

---

*Railways Acts Amendment Act.* 17 GEO. V. No. 13.

---

set down each appeal for hearing as early as practicable and not later than forty days after the date when the appeal is received by him” are inserted in lieu thereof.

The following provision is added to subsection seven :—

“ Moreover, in any case where by reason of the fact that meetings of a Board are necessary to be held at more than one place the police magistrate appointed as aforesaid is prevented from attending one or more of such meetings, the Governor in Council shall appoint another police magistrate or other police magistrates to take his place in respect of the appeal or appeals at which he cannot preside, and every police magistrate so appointed shall be Chairman of the Board at all meetings necessary for the hearing and determination of such appeal or appeals, and shall have all the powers and perform all the duties of a member of the Board and Chairman thereof.”

In subsection ten, after the words “ think fit ” the words “ and also shall investigate in open court every appeal made by an employee pursuant to the right of appeal to the Board conferred by any other provision of this Act, and may allow such appeal or dismiss such appeal ” are inserted.

After subsection 11A the following subsection is inserted :—

“(11B.) In any case where the Board is of opinion that the grounds of any appeal to the Board are frivolous and dismisses the appeal, the Board shall have power to grant to the Commissioner any reasonable expenses to which the Department may have been put by reason of the appeal, and it may order the appellant to pay the same :

Provided that where in any case expenses are ordered to be paid by an appellant under this subsection the appellant 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 Commissioner. Payment of expenses due to the Commissioner under this subsection may be enforced in the same manner as a judgment of the Supreme Court.”

1926.

*Railways Acts Amendment Act.*

5. Section thirty-one of the Principal Act is repealed and the following section is inserted in lieu thereof:—

“[31.] When a vacancy occurs in such Board by reason of the death, removal, or resignation of or vacation of office by a member who is not an employees’ representative, the Governor in Council shall appoint some person qualified as aforesaid to fill such vacancy.”

6. The following amendments are made in section 32A of the Principal Act:—

In subsection two, the words “specially appointed by the Commissioner or” are repealed and the words “generally or specially appointed by the Commissioner or specially appointed by” are inserted in lieu thereof.

The last paragraph of subsection three is repealed.

7. The following words are added to the first paragraph of section 32B of the Principal Act:—“and upon the failure of such Union so to nominate another member within three days after being requested so to do by the head of the branch concerned, the charged employee shall nominate such member to act as deputy upon the inquiry; and failing such nomination by such employee at any time before the hour at which the Board is appointed to sit, such Board may proceed to hold the inquiry in the absence of an employees’ representative.”

8. After section 32B of the Principal Act the following sections are inserted:—

“[32c.] The name of each employees’ representative elected to be a member of the Appeal Board under section thirty of this Act or to be a member of a Board of Inquiry under section 32A of this Act shall be submitted to the Governor in Council for approval; and when so approved he shall hold office for three years if he remains in the service during that period.

When a vacancy occurs in either of such Boards by reason of the death, removal, or resignation of or vacation of office by an employees’ representative, the Governor in Council shall appoint some person qualified as aforesaid to fill such vacancy: Provided that where possible the successor to the employees’ representative for any branch of the service shall be the employee who

at the ballot received the next greatest number of votes, and he shall be appointed for the remainder of the period of three years.

Failure to  
elect  
employees'  
representa-  
tives.

[32D.] In every case where within the time appointed by the Commissioner no employees' representatives have been elected to be members of the Appeal Board under section thirty of this Act or to be members of a Board of Inquiry under section 32A of this Act, or an insufficient number of employees' representatives has been elected to such Appeal Board or Board of Inquiry, as the case may be, the Governor in Council shall, as the case may require, either—

- (a) Appoint qualified persons to be the employees' representatives on the Appeal Board for each of the Divisions of the State, or a sufficient number to complete the number of such representatives that should have been so elected; or
- (b) Appoint a qualified person to be the employees' representative on the Board of Inquiry for each of the Divisions of the State or a sufficient number to complete the number of such representatives that should have been so elected.

Every employees' representative so appointed as aforesaid to any Appeal Board or Board of Inquiry, as the case may be, shall be deemed to have been, as from the date of his appointment, a duly elected employees' representative on such Appeal Board or Board of Inquiry, and the foregoing provisions of this Act relating to employees' representatives shall in all respects apply accordingly."

## RESUMPTION OF LAND.

*See* WORKS.