

Queensland



ANNO DECIMO

ELIZABETHAE SECUNDAE REGINAE.

No. 9.

**An Act to Amend "The Railways Acts, 1914 to 1960,"
in certain particulars.**

[ASSENTED TO 24TH MARCH, 1961.]

BE it enacted by the Queen'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:—

- Short title.** 1. (1.) This Act may be cited as "*The Railways Acts Amendment Act of 1961.*"
- Principal Act.** (2.) "*The Railways Acts, 1914 to 1960,*" are in this Act referred to as the Principal Act.
- Collective title.** (3.) The Principal Act and this Act may be collectively cited as "*The Railways Acts, 1914 to 1961.*"

2. Section seventeen of the Principal Act is amended by inserting after subsection four the following subsection :—

Amendment
of s. 17.

“(4A.) Where any employee has been convicted and the Court has instead of sentencing him made a probation order pursuant to the provisions of “*The Offenders Probation and Parole Act of 1959*” in respect of him, that employee shall in respect of his employment be placed on probation for the probation period mentioned and referred to in section eight of that Act provided—

- (a) That if in the opinion of the Commissioner, it is desirable by reason of the offence of which the employee was convicted, that such employee should be transferred to some other position or work or reduced in rank, position or grade and pay, he may so transfer or reduce in rank, position or grade and pay that employee ;
- (b) That if in the opinion of the Commissioner, the nature of the offence of which the employee has been convicted is such that the employee should not be continued in any capacity or if in respect of the preceding proviso there is not, in the opinion of the Commissioner, a position or employment to which the employee could be transferred or appointed, he may terminate the services of that employee.

Any employee (other than an employee who, immediately prior to the relevant probation order, had not completed more than one calendar month's continuous service as an employee of the Commissioner or who was employed on probation) who is dealt with by the Commissioner under or pursuant to the powers given to him under the provisoes to the first paragraph of this subsection may appeal from the decision of the

Commissioner by a memorial to the Governor in Council at a time and in a manner prescribed in the regulations, and the decision of the Governor in Council shall be final and shall be binding upon the Commissioner and such employee.

Any employee in respect of whom a probation order as aforesaid is made shall not be entitled to receive any payment of salary, wages, allowances or other emoluments or, as the case shall require, the amount of any reduction thereof for the period in respect of which under this subsection his services were terminated or he was transferred or reduced in rank, position or grade and pay or (notwithstanding anything otherwise contained in this Act) for any period during which he was suspended by reason of circumstances in any way associated with those of the charge upon which he was convicted unless otherwise determined by the Governor in Council."

Amendments
of s. 25.

3. Section twenty-five of the Principal Act is amended by—

(a) Adding to subsection one the following paragraph:—

" This subsection does not apply to an employee who is a child within the meaning of "*The State Children Acts, 1911 to 1955.*" "; and

(b) Adding the following subsection:—

" (3.) If any employee who is a child within the meaning of "*The State Children Acts, 1911 to 1955,*" is convicted of any indictable offence the Commissioner, according as is in his opinion desirable by reason of the nature of the offence, may continue such employee in his position or work, or transfer him to some other position or work, or terminate his services."

4. Section one hundred and seventeen of the Principal Act is amended by omitting from the third paragraph the words “and also the special rates (if any) which have been made since the last Annual Report, and the reasons for making them”. ^{Amendment of s. 117.}