



ANNO TERTIO

EDWARDI VII REGIS.

A.D. 1903.

No. 829.

An Act to establish an Appeal Board for the Railway Service.

[Assented to, October 30th, 1903.]

BE it Enacted by the Governor, with the advice and consent of the Parliament of South Australia, as follows:

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited as "The Railways Service Appeal Board Act, 1903," and shall apply to all State railways in the State of South Australia. Short title.

2. The words "for the hearing and determining of any appeal by any employé" contained in section 29 of "The South Australian Railways Commissioners Act, 1887," are hereby repealed. Repeal.

3. From and after the passing of this Act, and notwithstanding the provisions of any Act to the contrary, save and except as herein provided, any power or authority vested in the Commissioner of Railways, or of any other person, for the hearing and determining of any appeal from any decision affecting an officer or employé appointed or employed in any branch of the Railway Service of the State, is hereby determined. Appeals to Commissioner of Railways determined.

4. This Act is divided into parts, as follows: Division of Act.

PART I.—Preliminary:

PART II.—Powers of Officers:

PART

*The Railways Service Appeal Board Act.—1903.***PART I.****PART III.—**Constitution of the Appeal Board:**PART IV.—**Powers and Duties of Board:**PART V.—**Regulations.**Definitions.****5.** Unless the context shall otherwise determine—

“The Board” shall mean the Board constituted under this Act:

“Each branch of the Railway Service” shall have the same meaning and construction as applicable to the expression where used in “The South Australian Railways Commissioners Act, 1887.”

Act not to apply to Northern Territory.

6. This Act shall not apply to that part of the State known as the Northern Territory.**PART II.****PART II.****POWERS OF OFFICERS.**

Powers of officers at the head of branches of the Railway Service.

Sec. 10, Act No. 35 of 1894, New Zealand.

To deal with misconduct of employes. Sub-secs. 1, 2, 3, sec. 10, *ibid.*Employé to have right of appeal. *Ibid.*

Commissioner may hear or determine.

Ibid., sec. 7, sub-sec. 3.

Costs on appeal.

New.

List of branches to be published.

7. Notwithstanding the provisions of any Act, by-law, or regulations to the contrary, the officer at the head of each branch of the Railway Service shall, in the prescribed manner, have the power with respect to any employé in his branch who has been guilty of misconduct, or of breaking any rule, by-law, or regulation of the Railway Service—

(a) To caution, admonish, or censure:

(b) To suspend him:

(c) To fine him in a sum not exceeding Five Pounds:

(d) To reduce him in rank, position, grade, or pay.

But every such employé shall, subject to the provision hereinafter contained, have the right of appeal to the Board of Appeal constituted by this Act, or to the Commissioner of Railways, as the case may require.

8. The Commissioner of Railways shall first hear all appeals from employes against fines inflicted upon them by any officer at the head of a branch in the Railway Service, and may confirm or modify any decision of such officer.**9.** Where any further appeal is made from any decision of the Commissioner of Railways, and on such appeal the decision of the officer is again confirmed, the Board may award costs against the appellant, as it may think fit.**10.** In the month of January in each year the Commissioner of Railways, or other responsible officer in the Railway Service, shall cause to be published in the *Government Gazette* a list of the Railway branches in the Railway Service and the names of the officers respectively having the charge or control of each such branch.**PART**

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PART III.

PART III.

CONSTITUTION OF THE APPEAL BOARD.

- 11.** For the purposes of this Act a Board is hereby constituted, to be called "The Railways Service Appeal Board." Constitution of Board.
Sec. 6, Act 35 of
1894, N.Z.
- 12.** The Board shall consist of five members, as follows:—The Engineer-in-Chief, the Chief Mechanical Engineer, the General Traffic Manager, the Secretary to the Railways Commissioner, and one person to be elected by and from the employés of the Railway Service. Composition of Board.
- 13.** A Secretary to any Board constituted under this Act shall be appointed by the Governor. Secretary.
- 14.** Subject to the provisions hereinafter contained, the elected member of the Board shall retire on the thirty-first day of December, one thousand nine hundred and four, and on a like date at the expiration of every six years thereafter. When elected mem-
bers retire.
New.
- 15.** Any casual or extraordinary vacancy on the Board shall, in the absence of any regulation to the contrary, be made by the Governor. How extraordinary
vacancy filled.
New.
- 16.** The Governor may appoint a provisional Board to hold office until the appointment and election of the Board. Governor may appoint
a provisional Board.
New.
- 17.** If any member of a Board shall be absent for three consecutive meetings, or become physically or mentally incapable of acting, or go to reside abroad, or resign, or desire to be discharged, or be guilty of misconduct, or leave or be dismissed or discharged for misconduct from the Railway Service, the Governor shall declare his office vacant; and if such person shall have been originally appointed by the Governor, shall appoint some other person to act in his place, or if such person shall have been elected by the railway officers or employés an extraordinary election shall take place. Extraordinary
vacancies.
New.

PART IV.

PART IV.

POWERS AND DUTIES OF BOARD.

- 18.** The Board shall, except when otherwise provided, hear, deal with, and determine all appeals instituted or made by any officer or employé in the Railway Service of the State from any ruling, direction, or decision concerning himself, whereby his character or position may be affected in any manner whatsoever, and may make any such order as to such Board may seem reasonable and just. Board to hear appeals
affecting conduct or
position of officer or
employé.
New.

19. Every

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PART IV.

Mode of appeal.
New Zealand Act, No.
35 of 1894, sec. 7.

19. Every appeal to the Board shall be lodged with the Secretary, or by some officer appointed for that purpose by the Board, within fourteen days after the date of the decision which is appealed against, and shall be heard within thirty days of the appeal being lodged.

Case to be stated.
New.

20. The appellant shall set forth—

- I A concise statement of his case :
- II. The grounds of the appeal :
- III. The name and address of the appellant.

Secretary to forward
appeal to Chairman.
New.

21. The Secretary shall immediately forward the appeal to the Chairman, who shall thereupon—

- (a) Fix a time and place for the hearing :
- (b) Cause notice to be given to the other members of the Board and the parties directly interested of such date and place of hearing.

Chairman may
administer oath.
New Zealand Act, No.
35 of 1894, sec. 7,
sub-sec. 1.

22. The Chairman of the Board by or before whom any appeal shall be heard shall have authority, and is hereby authorised, to administer an oath or affirmation to every witness at such hearing, and shall, on application of the appellant, administer such oath or affirmation to all witnesses.

Appeal may be
modified.
Ibid, sub-sec. 2.

23. Every appeal or application whatever from officers or employes, except where otherwise provided, may be heard, confirmed, modified, or otherwise determined by the Board. The decision of three members of the Board shall be the decision of the Board.

Every decision of
Board to be final.

24. Every decision of the Board shall be final, and shall be given effect to by the Commissioner of Railways or other controlling or responsible officer of the South Australian Railways.

Commissioner to
produce books, &c.

25. The Commissioner of Railways shall, when required in writing by the Chairman or Secretary of the Board, either by himself or some accredited officer produce all books, papers, writings, and documents in his possession or control having reference to or connected with any appeal.

PART V.

Governor may make
regulations.

PART V.
REGULATIONS.

26. The Governor may make regulations—

- (a) For the conduct of the elections of the persons required to be elected under this Act :
- (b) For

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PART V.

- (b) For the conduct of appeals made to the Commissioner of Railways, and for giving effect to any decisions thereunder:
 - (c) For the conduct of inquiries by the officers, and for giving effect to any decisions thereunder:
 - (d) Providing facilities to the officers and employés of the Railway Service for voting at such elections:
 - (e) For the attendance of the elected persons at any sittings of the Board to which they may be elected:
 - (f) Effectually carrying out the provisions of this Act where no special provision has been made or defined:
 - (g) For the appointment of a Chairman and of a Secretary:
- and such regulations, when published in the *Government Gazette*, shall have the effect of law.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.