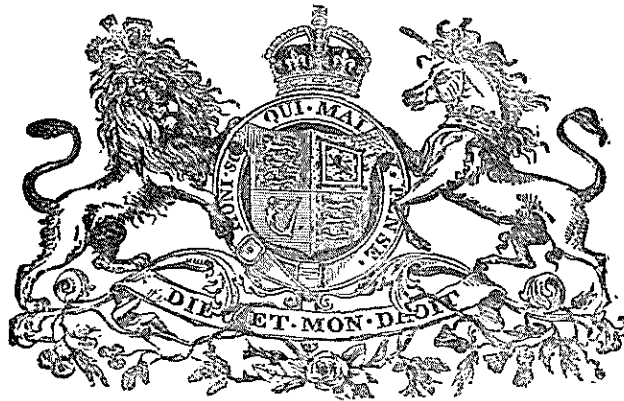


WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

XXIX.

No. 29 of 1907.

AN ACT to amend the Government Railways Act, 1904.

[Assented to 20th December, 1907.]

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

1. This Act may be cited as the *Government Railways Amendment Act, 1907*, and shall be read as one with the Government Railways Act, 1904, hereinafter referred to as the principal Act, and except as hereinafter provided shall come into force on the passing thereof. Short title.

2. Section ten of the principal Act is amended by striking out the words "The Commissioner shall receive the salary of fifteen hundred pounds a year," and inserting in place thereof "The Commissioner shall receive such salary as may be fixed from time to time by the Governor." Amendment of 1904, No. 23, section 10.

Amendment of section 22.

3. Section twenty-two of the principal Act is amended by adding a proviso as follows:—

“ Provided also that the powers conferred upon the Commissioner by this section may, from time to time, be exercised by the Governor, and any charges, conditions, and regulations fixed or imposed by the Governor shall supersede the charges, conditions, or regulations fixed or imposed by the Commissioner.”

Amendment of section 23.

4. Section twenty-three of the principal Act is amended by adding to subsection twenty-six the following words “ or in any other manner affecting the duties of such employees, provided that such by-laws or regulations are in no way inconsistent with the terms of an award of the Arbitration Court or any industrial agreement that may be in force ” and by inserting a subsection as follows:—

(26.) (a.) For establishing voluntary superannuation, sick, death, insurance, or guarantee funds, and for the deduction of prescribed contributions thereto from the pay of such employees as give their consent thereto.

Amendment of section 40.

5. Section forty of the principal Act is amended by inserting after the words “ time tables,” in subsection one, the words “ or rate books.”

Amendment of section 45.

6. Section forty-five of the principal Act is amended by adding a subsection as follows:—

“ or,
(5.) is brought before any two justices and charged with having or having had in his possession, either on his person or on or in any premises, any ticket or portion of a ticket which may be reasonably suspected of being unlawfully obtained, and does not give an account to the satisfaction of such justices how he came by the same,”

Amendment of section 59.

7. Section fifty-nine of the principal Act is amended by striking out the words “ three years,” in subsection one, and inserting “ five years ” in place thereof and by adding a subsection as follows—

(4.) Every railway restaurant car and refreshment room leased under this section shall be deemed licensed premises, and the lessee shall be deemed a licensed person within the meaning of Part I. of “ The Sale of Liquors Amendment Act, 1897.”

8. (1.) Section seventy of the principal Act is repealed, and the following shall be read in place thereof:—

Amendment of section 70.

70. An Appeal Board shall consist of the following persons, that is to say:—

Constitution of Appeal Board.

- (a.) A police or resident magistrate to be appointed from time to time by the Governor, and to be the chairman of the Board, or a person appointed in like manner to act as his deputy;
- (b.) One person to be appointed from time to time by the Commissioner, or a person appointed in like manner to act as his deputy; and
- (c.) One person and his deputy to be elected in the prescribed manner from among their number by the employees upon the salaried staff, and one person and his deputy from the locomotive branch, and one person and his deputy to be so elected from among their number by the employees on the wages staff; but only the person elected by the employees upon the staff on which the appellant is employed, or his deputy, shall act on the Board as the elective member on the hearing of the appeal.

(2.) This section and the next three following sections shall come into force on a day to be fixed by proclamation.

9. (1.) Subsection one of section seventy-one of the principal Act is repealed, and the following shall be read in place thereof:—

Amendment of section 71.

“(1.) For the purpose of the ordinary election of the elective members of the Board a ballot shall be taken on the first Monday in February, one thousand nine hundred and eight, and on the first Monday in February in every third year thereafter.”

(2.) Section seventy-one of the principal Act is further amended by striking out the proviso in subsection two, and inserting in place thereof the following:—

“Provided that in any case where the seat of an elective member becomes vacant within three months of the ordinary election, the member elected to fill the vacancy shall continue in office until the end of the next succeeding term of three years.”

10. Section seventy-three of the principal Act is amended by striking out the words “The presence of the chairman and one other member shall constitute a sitting of the Board, and”.

Amendment of section 73.

Deputy members of Board.

11. In the case of the illness or absence of a member of the Appeal Board, the place of such member may be filled by his deputy appointed as aforesaid or elected at the last triennial election, as the case may be:

Provided that if an elected deputy is unable or unwilling to act, a substitute may be appointed by the Governor on the nomination of the employees on the salaried, locomotive, or wages staff, as the case may be.

Amendment of section 74.

12. Section seventy-four of the principal Act is amended by inserting after the word "department," in line five of subsection four, the words "or the secretary as aforesaid," and by adding to subsection five "and shall have power to compel any witness to attend and give evidence."

Amendment of section 77.

13. Section seventy-seven of the principal Act is repealed, and the following shall be read in place thereof:—

No railway servant to engage in outside employment.

77. No officer or servant of the department shall—

- (1.) Engage in any employment outside the duties of his office except with the approval of the Commissioner; or
- (2.) In any way participate, or claim to be entitled to participate, in the profits of or in any benefit or emolument arising from any contract or agreement made by or on behalf of the Government; or
- (3.) Acquire any Crown lands without the approval of the Minister.

Payment of salaries or wages may be proved by certified sheet.

14. A statement in writing at the foot of or indorsed upon a wages or salary pay sheet to the effect that the officers or employees therein named have been paid the amount of salary or wages set against their names shall, if purporting to be signed by a paying officer and countersigned by some other officer or employee of the department, be *prima facie* evidence of the payment set forth in such salary or wages pay sheet.

Railway police.

15. The Commissioner may, from time to time, with the approval of the Governor, appoint and dismiss special constables who, within the limits of the Government Railways, shall have, exercise, and enjoy all such powers, authorities, and immunities, and be liable to such duties and responsibilities as any police officer duly appointed now has by law:

Provided that such special constables shall not be members of the police force, but shall be the servants of the Commissioner and under his direction and control.

16. The Minister may from time to time, by Order in Council published in the *Government Gazette*, declare that any branch, spur, or other railway shall be a district railway, or shall cease to be a district railway. District railways

17. The fact that a locomotive, whether attached to a train or not on a district railway, is run tender first shall not be deemed evidence of negligence. Exemption from liability.

18. The Commissioner may, from time to time, make special by-laws for organising, classifying, and paying the staff employed on or in connection with such district railways, and prescribing the terms of employment; and sections sixty-nine to seventy-six, inclusive, of the principal Act shall not apply to any person employed on or in connection with any such railway, unless such person is transferred from, or ordinarily employed on a Government railway which is not a district railway. By-laws as to staff.

19. Subject to the limitations and provisions herein contained, the provisions of the principal Act shall apply to district railways. Application of principal Act.