

PUBLIC CURATOR.*See TRUSTEES AND EXECUTORS.***RAILWAYS AND TRAMWAYS.****An Act to Amend "The Railways Act of 1914" in certain particulars, and for other consequential purposes.**

6 Geo. V.
No. 28.
THE
RAILWAYS
ACT
AMENDMENT
ACT OF 1915.

[ASSENTED TO 22ND DECEMBER, 1915.]

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 Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title
and
construction
of Act.

1. This Act may be cited as "*The Railways Act Amendment Act of 1915*," and shall be read as one with "*The Railways Act of 1914*,"* herein called the Principal Act.

Amendment
of s. 5.

2. In section five of the Principal Act the definitions of "Rateable Land" and "Ratepayer" are repealed.

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 Sections thirteen, fourteen, fifteen, and sixteen of the Principal Act are repealed, and the following sections are inserted in lieu thereof:—

Deputy
Com-
missioners.

[13.] (1.) The Governor in Council may appoint two Deputy Commissioners, each for a term not exceeding three years.

Such Deputy Commissioners shall be stationed at Townsville and Rockhampton respectively, and, subject to the Commissioner, shall have charge of the railways in the Northern and Central Divisions respectively. Each such Deputy Commissioner shall during his continuance of office receive such salary as Parliament from time to time appropriates for that purpose, and shall at any time during the term of his appointment be subject to suspension or removal from office by the Governor in Council, on the grounds of incompetence or misconduct.

One of such Deputy Commissioners shall be appointed to be Senior Deputy Commissioner.

(2.) The Deputy Commissioner holding office at the passing of this Act shall continue in office as the Senior Deputy Commissioner, and shall be deemed to have been appointed under and subject to this Act.

* 5 Geo. V. No. 24, *supra*, page 6290.

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[14.] Except as is herein provided, the Deputy Commissioners 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. Duty of Deputies.

[15.] (1.) In the case of the illness, suspension, or absence of the Commissioner, the Secretary, under the direction of the Minister, shall during such illness, suspension, or absence have and exercise all the powers and perform all the duties of the Commissioner. Absence, &c., of Commissioner.

(2.) In case of the death of the Commissioner, the Senior Deputy Commissioner shall assume and exercise all the powers and authorities and perform all the duties of the Commissioner until a new Commissioner is appointed, and shall appoint an officer to have charge of the railways in his Division during such period.

[16.] For the purpose of discussing and facilitating the business of the Department, each Deputy Commissioner shall, at least once a month, meet in conference the respective heads for the time being of the Engineering, Traffic, and Locomotive branches of the Department in his Division, all of whom shall if possible be present at the same time; and shall furnish to the Commissioner a report with a copy of the minutes of each such monthly conference; and for the same purpose the Commissioner shall, at least once a month, meet in conference the respective heads for the time being of the Engineering, Traffic, and Locomotive branches of the Department in the Southern Division, all of whom shall if possible be present at the same time. Monthly conference.

Proceedings at all such conferences shall be conducted in such manner as to the Commissioner seems most convenient for the speedy and effectual despatch of business.

4 In subsection one of section eighteen of the Principal Act, after the word "appoint," the words "for the Southern Division, and in respect of his Division each Deputy Commissioner respectively may appoint," are inserted. Amendment of s. 18.

5. In subsection two of section twenty-one of the Principal Act, after the word "Commissioner," the words "or the Deputy Commissioner concerned" are inserted. Amendment of s. 21.

Subsection three of the said section is repealed, and the following subsection is inserted in lieu thereof :—

(3.) Any employee who is so passed over shall have the right of appeal to the Appeal Board as hereinafter provided.

Amendment
of s. 22.

6. In subsection two of section twenty-two of the Principal Act, after the word “ Commissioner,” the words “ or the Deputy Commissioner concerned ” are inserted.

Amendment
of s. 23.

7. At the beginning of subsection one of section twenty-three of the Principal Act, the words “ Each Deputy Commissioner or ” are inserted ; and in the said subsection the words “ such office ” are repealed, and the words “ any office ” are inserted in lieu thereof.

Amendment
of s. 27.

8. The second and third paragraphs of section twenty-seven of the Principal Act are repealed.

Repeal of
s. 29.

9. Section twenty-nine of the Principal Act is repealed.

10. Subsections one and two of section thirty of the Principal Act are repealed, and the following subsections are inserted in lieu thereof :—

Appeal
Board.

(1.) Every appeal which under this Act may be made by an employee to the Appeal Board shall be made to the Appeal Board constituted for the division of the State in which such employee is employed, and the respective Appeal Boards shall consist of the following members :—

A police magistrate who shall be appointed by the Governor in Council for each of the divisions of the State respectively ;

Four employees (hereinafter called respectively “ the employees’ representatives ”) who shall be elected for each of the divisions respectively of the State ;

In the Southern Division, the persons holding for the time being the offices of Chief Engineer, Signal and Light Engineer, Chief Mechanical Engineer, and General Traffic Manager ; or, in the Central and Northern Divisions respectively, the officers in control of Traffic, Maintenance, and Locomotive work.

(2.) Each Board when sitting for the purposes of any appeal shall be composed of the police magistrate aforesaid, one of the aforesaid officers who is not the

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head of the branch in which the appellant is employed and the employees' representative who is employed in the branch in which the appellant 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.

Subsection four of the said section is repealed, and the following subsection is inserted in lieu thereof:—

(4.) Each Board shall meet for the despatch of business as often as may be required. In respect of appeals in the Southern Division the Secretary, and in respect of appeals in the Northern and Central Divisions the respective Deputy Commissioners, shall convene all meetings of the respective Boards, and shall keep a record of all proceedings thereof and of the decisions arrived at.

11. In subsection two of section thirty-four of the Principal Act, after the word "Minister," the words "a map and description, under his official seal, showing the route of the proposed railway, and" are inserted. Amendment of s. 34.

In subsection three of the said section, after the word "statement," the words "map and description" are inserted.

12 In section seventy-four of the Principal Act, after the word "Commissioner," the words "in the Southern Division, and in respect of the Northern and Central Divisions the Deputy Commissioner concerned, subject to the approval of the Commissioner," are inserted. Amendment of s. 74.

13. In subsections one and two of section seventy-five of the Principal Act, after the word "Commissioner," the words "in the Southern Division, and in respect of the Northern and Central Divisions the Deputy Commissioner concerned," are respectively inserted. Amendment of s. 75.

14. Part IV. of the Principal Act, comprising sections seventy-seven to ninety-one both inclusive thereof, is repealed: Repeal of Part IV.

Provided as follows:—

(a) Any additions to the capital cost of any railway made pursuant to section eighty-one of

the Principal Act before the passing of this Act shall be deleted from the railway account of the railway concerned, and be deemed not to have been made ;

- (b) Save as next hereinafter provided, all amounts due and payable to the Commissioner on the first day of July, one thousand nine hundred and twelve, in respect of any deficiency, and which are outstanding and in arrear at the passing of this Act, shall be collected and paid, and for that purpose the provisions of the said Part shall remain in force :

Provided nevertheless that this provision shall not apply in the case of the North Coast Railway being constructed under "*The North Coast Railway Act of 1910.*"*

- (c) No amount which has become due and payable to the Commissioner since the first day of July, one thousand nine hundred and twelve, in respect of any deficiency, and which is outstanding and in arrear at the passing of this Act, shall be collected or hereafter chargeable.

Amendment
of s. 105.

15. In section one hundred and five of the Principal Act, after the word "adjoining" the words "or near to" are inserted.

The following provision is added to the said section :—

Where necessary for giving effect to this provision, any railway or branch thereof, or connection or siding, may be constructed and maintained by the Commissioner along, over, under, or across any public road ; and in such case the provisions of section thirty-six of this Act shall apply.

Amendment
of s. 106.

16. In section one hundred and six of the Principal Act, after the word "Commissioner," the words "and each Deputy Commissioner" are inserted.

Amendment
of s. 110.

17. In the first paragraph of section one hundred and ten of the Principal Act, after the word "Commissioner," the words "or a Deputy Commissioner" are inserted.

* 1 Geo. V. No. 12, *supra*, page 2928.

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18. In section one hundred and twelve of the Principal Act, after the word "Commissioner," the words "or a Deputy Commissioner" are inserted. Amendment
of s. 112.

19. In section one hundred and thirteen of the Principal Act, after the word "Commissioner" where it twice occurs, the words "or a Deputy Commissioner" are respectively inserted. Amendment
of s. 113.

20. In the first paragraph of section one hundred and fourteen of the Principal Act, the words "or his employees" are repealed, and the words "or a Deputy Commissioner or any employee" are inserted in lieu thereof. Amendment
of s. 114.

In the third paragraph of the said section, after the word "Commissioner," the words "or a Deputy Commissioner" are inserted.

21. In section one hundred and nineteen of the Principal Act, after the word "Commissioner" wherever it occurs, the words "or the Deputy Commissioner concerned" are respectively inserted. Amendment
of s. 119.

22. In section one hundred and twenty-six of the Principal Act, after the word "Commissioner" where it first occurs, the words "in respect of the Southern Division, and in respect of the Northern and Central Divisions the Deputy Commissioner for that Division," are inserted; and after the word "Commissioner" where it secondly occurs, the words "or the Deputy Commissioner concerned" are inserted. Amendment
of s. 126.

23. In section one hundred and thirty of the Principal Act, after the word "Commissioner" wherever it occurs, the words "or a Deputy Commissioner" are inserted. Amendment
of s. 130.

24. Section forty-one of the Second Schedule to the Principal Act is repealed. Amendment
of Sch. II.

25. The Acts mentioned in the Schedule to this Act are repealed to the extent therein indicated. Repeal of
certain
enactments.
Schedule.

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[See s. 25.]

SCHEDULE.

Year and Number of Act.	Title of Act.	Extent of Repeal.
6 Edw. VII. No. 28*	<i>"The Dalby to Cattle Creek Railway District Act of 1906"</i>	The whole.
9 Edw. VII. No. 5†	<i>"The Mackay Railway Extension and McGregor Creek Branch Railways Act of 1909"</i>	Subsec. 5 of s. 2, ss. 5 and 7.
9 Edw. VII. No. 6‡	<i>"The Warwick to Maryvale Railway Act of 1909"</i>	The whole.
9 Edw. VII. No. 17§	<i>"The Port Alma Railway Act of 1909"</i>	SS. 3, 6, 7, 8, 10, 11, and Schedule.
1 Geo. V. No. 11	<i>"The Great Western Railway Act of 1910"</i>	SS. 3, 5, subsecs. 2 and 3 of s. 7, subsec. 3 of s. 8, s. 9, Sch. II.
1 Geo. V. No. 12¶	<i>"The North Coast Railway Act of 1910"</i>	SS. 3, 5, subsec. 4 of s. 6, subsecs. 2 and 3 of s. 7, ss. 8 and 9, and Sch. II.
2 Geo. V. No. 7**	<i>"The Mary Valley Railway Act of 1911"</i>	The whole.
4 Geo. V. No. 17††	<i>"The Great Western Railway Act Amendment Act of 1913"</i>	S. 3 and Sch. I. and II.
4 Geo. V. No. 18‡‡	<i>"The Roma to Orallo Railway Act of 1913"</i>	The whole.
5 Geo. V. No. 37§§	<i>"The Mount Russell to Cecil Plains Railway Act of 1914"</i>	The whole.

REGULATION OF SUGAR CANE PRICES

See SUGAR.

RIGHTS IN WATER.

See WATER.

SCAFFOLDING, INSPECTION OF.

See LABOUR.

SETTLERS' (AGRICULTURAL) RELIEF

See LAND.

* *Supra*, page 4120.† *Supra*, page 4183.‡ *Supra*, page 4254.§ *Supra*, page 4221.| *Supra*, page 2921.¶ *Supra*, page 2928.** *Supra*, page 5244.†† *Supra*, page 5986.‡‡ *Supra*, page 6057.§§ *Supra*, page 6444.