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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No.       , 1918.

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## A BILL

To amend the Government Railways Act, 1912, the Government Railways (Appeals) Act, 1916, the Government Railways (Amendment) Act, 1916, the Government Railways (Further Amendment) Act, 1916, and the Workmen's Compensation Act, 1916; and for purposes incidental thereto or consequent thereon.

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**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** (1) This Act may be cited as the "Government Railways (Amendment) Act, 1918." Short title.

(2) In this Act the expression "the Principal Act" means the Government Railways Act, 1912, as amended by the Government Railways (Appeals) Act, 1916, the Government Railways (Amendment) Act, 1916, and the Government Railways (Further Amendment) Act, 1916.

*Amendments of Principal Act.*

**2.** The Principal Act is amended as follows :—

- (i) Section five, subsection one, by substituting the word "two" for the word "three".
- (ii) Section nine, by omitting the words "each of the other two Assistant Railway Commissioners" and inserting "the other Assistant Railway Commissioner" in lieu thereof.
- (iii) Section ten, by omitting the words "The quorum at any meeting of the Commissioners shall be as fixed from time to time by the Governor" and inserting "At any meeting of the Commissioners two shall form a quorum" in lieu thereof.
- (iv) Section ten, paragraph (c), by omitting the word "any" in the first line of the third paragraph and inserting "either".
- (v) Section eighty-seven, by adding thereto the following subsection :—

(4) Notwithstanding anything to the contrary contained in this Part, if the Commissioners signify in writing that any appeal by an officer, or any charge made against an officer, is in respect of a matter affecting the safe working of the railways or tramways, then such appeal shall not be heard nor such charge investigated by the board, but such appeal shall be heard by the Commissioners, and such charge shall be inquired into by the officer at the head of the branch in which the officer so charged is employed, and such officer shall be entitled to appeal to the Commissioners against the decision of the officer at the head of his branch.

(vi)

54

- (vi) Section 100B is repealed. Repeal of  
s. 100B.
- (vii) The term "officer" as defined by section one hundred and nine is amended by the addition of the following words:—"nor persons appointed to temporarily occupy the positions of officers who have enlisted for active service in the present war : Amendment  
of the term  
"officer."

Provided that any person appointed to temporarily occupy the position of any officer who has enlisted for active service in the present war shall be entitled, on application in the prescribed manner to the board, within one year from the commencement of the Government Railways (Amendment) Act, 1918, to a refund of the deductions (if any) made from his salary and emoluments under this Part, together with interest at the rate prescribed on the amounts of such deductions from the dates when they were respectively made." Certain tem-  
porary officers  
entitled to  
refund.

- (viii) (1) Section one hundred and ten is repealed and the following section substituted therefor:— Repeal of s. 110  
of the Principal  
Act.

110. The board shall consist of seven persons, namely,— three officers appointed by the Governor for a term of five years; three officers elected for a term of three years, of whom two shall be elected by and chosen from the officers in the railway service, and one by and from the officers in the tramway service, under regulations made under this Part of this Act; and the Chief Commissioner, who shall ex officio be chairman of the board. Substituted  
section.  
The board.

If any member of the board—

- (a) ceases to be an officer, or
- (b) is convicted of any criminal offence,  
or
- (c) becomes of unsound mind, or
- (d) absents himself without leave from  
three consecutive meetings of the  
board

his office shall thereupon become vacant.

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Any vacancy in the board shall be filled by appointment or election as aforesaid, as the case may be. Any person elected shall hold office for the unexpired term of office of the person whose vacancy he fills.

(2) This amendment shall take effect on the day of \_\_\_\_\_, on which day the present board is hereby dissolved.

- (ix) Section one hundred and sixteen is repealed. Repeal of s. 116 of Principal Act.
- (x) Section one hundred and twenty-five by omitting all the section after the word "gratuities." Amendment of s. 125.
- (xi) Section one hundred and twenty-six by the addition of the following :— Amendment of s. 126.

"When any officer, who has so transferred any such policy, leaves the service, the board shall, on the repayment by him of the amount of the premiums paid by it on such policy, cause the policy to be re-transferred to such officer.

If such officer is unable or unwilling to repay such amount, the board may surrender the policy to the insurance company with which it was effected, and from the moneys received as the result of such surrender may reimburse itself to the extent of the amount of the premiums paid by it, together with interest thereon, at the rate of three and a half per centum per annum from the respective dates of payment, and shall hand over the balance (if any) to such officer."

*Amendment of the Workmen's Compensation Act, 1916.*

**3.** (1) The following section is inserted next after section five of the abovementioned Act :— New section.

5A. A workman shall not be entitled to compensation under and also independently of this Act : Workman not entitled to compensation under the Act, and also independently of the Act.

Provided—

- (1) that nothing in this Act shall affect any civil liability of an employer when the injury

injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible; and

- (2) that, in the case of death or permanent incapacity, any workman who succeeds in his claim for compensation under this Act shall also be entitled to a refund of the amount of any contributions or deductions made by him, or out of his salary or wages, and paid to any superannuation account under any other Act, with interest thereon at the rate of four per centum per annum from the respective dates when such contributions or deductions were made.

(2) Paragraph (c) of subsection two of section five and the proviso to section thirteen of the same Act are repealed.

Amendments  
of ss. 5  
and 13.

