

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1925.

A BILL

To restore to certain persons formerly employees of the Railway Commissioners for New South Wales certain rights and privileges ; to validate certain actions of and payments made by the said Commissioners or the Railway Superannuation Board ; to extend the functions and powers of the Railways Appeals Board ; to provide for the appointment of an additional Assistant Railway Commissioner ; to provide a system of voluntary saving by officers of the said Commissioners ; and for these and other purposes to amend the Government Railways Act, 1912, and certain other Acts ; to repeal certain Acts ; and for purposes connected therewith.

Government Railways (Amendment).

2

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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Government Railways (Amendment) Act, 1925," and shall be read with the Government Railways Act, 1912, as amended by subsequent Acts, which said Act as so amended is in this Act referred to as the Principal Act. Short title.

2. (1) The Principal Act is amended by inserting next after section one hundred and twenty-five the following new section:— Amendment of Act 1912 No. 30. New s. 125A.

125A. (1) All employees of the Commissioners who were dismissed from their employment on account of having taken part in a strike in the year one thousand nine hundred and seventeen shall upon re-employment be deemed to be and to have been reinstated in all their rights and privileges under this Act, as if such dismissal had not taken place: Reinstatement of certain employees.

Provided that the period between dismissal and re-employment shall not count as service for any purpose.

(2) The Commissioners shall take all such measures as are necessary and proper to give effect to this section and shall make all adjustments as to seniority and grades as will completely restore to such employees their rights and privileges under this Act.

(3) When the seniority or grade of any other employee is disturbed by the operation of this section he shall not be paid any less amount of salary or wages than he would have been paid if this section had not been passed.

(4) The increased expenditure occasioned by the operation of this section shall be dealt with in accordance with section 14A of this Act.

(5)

(5) When any employee who was so dismissed and has been re-employed has received a payment on account of the amount of the deductions made from his salary and emoluments under section one hundred and eleven of this Act, the amount so paid to him shall be deducted from his salary or emoluments in such manner as the Commissioners may direct.

3. (1) The action of the Railways Superannuation Board or the Commissioners— Validation of certain payments.

- (a) in making to any employee dismissed on account of the strike which occurred in the year one thousand nine hundred and seventeen payments on account of the amounts of the deductions made from his salary or emoluments under section one hundred and eleven of the Principal Act; or
- (b) in granting to such employees subsequently re-employed superannuation allowances or gratuities on retirement from the Government Railways Superannuation Fund partly based on service prior to the said strike; or
- (c) in making deductions from the salary or emoluments of an employee who was so dismissed and afterwards re-employed after having received a payment on account of the amount of the deductions made from his salary or emoluments under section one hundred and eleven of the Principal Act,

is hereby validated.

(2) The Railway Superannuation Board is hereby authorised to refund to any employee who was dismissed by the Railway Commissioners on account of the said strike and not subsequently re-employed the amount of the deductions made from his salary or emoluments under section one hundred and eleven of the Principal Act, in any case in which such refund has not been made prior to the commencement of this Act.

(3)

Government Railways (Amendment).

4

(3) Any amount paid under the authority of the last preceding subsection shall be repaid to the said fund by the Colonial Treasurer out of the Consolidated Revenue Fund which is appropriated accordingly, on the certificate of the chairman of the Railway Superannuation Board.

4. The Principal Act is further amended—

- (a) by omitting from subsection two of section seventy-six the words “whose decision upon the matter shall be final,” and by inserting in lieu thereof the words “against whose decision he may appeal to the board in accordance with the provisions of Division 5 of this Part”;
- (b) by omitting section eighty-six;
- (c) by inserting in subsection one of section ninety-three after the words “every decision of the board” the words “shall be given effect to by the Commissioners and.”

Further amendment of Act, 1912 No. 30 (Appeals), s. 76 (2).

Sec. 86.

Sec. 93 (1).

5. The Principal Act is further amended by adding at the end of section 100A the following paragraph:—

Leave granted in lieu of bank or public holidays upon which a salaried officer is required to work shall not be regarded as part of that officer's annual leave.

Further amendment of Act 1912 No. 30 (Leave), s. 100A.

6. The Principal Act is further amended—

- (a) by inserting after section one hundred and twenty-eight the following new sections:—

128A. (1) Any officer may authorise the Commissioners to deduct from his salary or emoluments and pay into the Government Railways Superannuation Account any sum in excess of the compulsory contributions provided for in section one hundred and eleven.

(2) Any officer may pay directly to the Commissioners any sum of money to be paid to the credit of such account.

Further provision as to superannuation.

New ss. 128A and 128B.

Additional payments by deductions from salaries, &c.

(3)

Government Railways (Amendment).

5

(3) Any moneys so paid by or by authorisation of an officer shall be credited to him and shall accumulate at such rate of interest compounded annually as may be determined by the Governor on the recommendation of the Board; and until such determination has been made at the rate of *five and one-half* per centum per annum compounded annually.

(4) An officer may, at any time after the expiration of three months' notice, withdraw in the prescribed manner, the whole amount lying to his credit in the said account under this section (both principal and interest) or any portion thereof.

128B. (1) An officer may at any time apply ^{Annuities.} in the prescribed manner to the board to purchase out of the moneys lying to his credit under the last preceding section an annuity on his life, or on the life of his wife, his son, or his daughter.

(2) Any such annuity shall be sold by the Colonial Treasurer in accordance with the table of contribution for annuities prescribed in Schedule IV of this Act, or with such table as the Governor may from time to time on the recommendation of the board, prescribe in lieu thereof.

(3) An officer who has moneys to his credit in the said account may on his retirement allow the moneys to remain therein and may add thereto as though he had not retired or he may exercise any of the rights conferred by this and the next preceding section.

(4) Any annuity so purchased under this section shall be met out of the Government Railways Superannuation Account.

(b)

Government Railways (Amendment).

6

(b) by inserting after the third schedule the following schedule:—

FOURTH SCHEDULE.

Annuities.

New 4th
schedule,
s. 128B.

Amount of annuities per month that £100 will purchase:—

Age last birthday.	Men.	Women.	Age last birthday.
	£ s. d.	£ s. d.	
50	0 11 3	0 10 5	50
51	0 11 6	0 10 8	51
52	0 11 9	0 10 10	52
53	0 12 1	0 11 1	53
54	0 12 4	0 11 4	54
55	0 12 8	0 11 7	55
56	0 13 0	0 11 10	56
57	0 13 5	0 12 1	57
58	0 13 10	0 12 5	58
59	0 14 3	0 12 9	59
60	0 14 8	0 13 2	60
61	0 15 2	0 13 7	61
62	0 15 8	0 14 0	62
63	0 16 2	0 14 5	63
64	0 16 9	0 14 11	64
65	0 17 4	0 15 5	65
66	0 18 0	0 16 0	66
67	0 18 9	0 16 8	67
68	0 19 6	0 17 4	68
69	1 0 3	0 18 0	69
70	1 1 1	0 18 10	70
71	1 2 0	0 19 8	71
72	1 3 0	1 0 6	72
73	1 4 0	1 1 6	73
74	1 5 1	1 2 6	74
75	1 6 3	1 3 7	75

7. The Principal Act is further amended by omitting from subsection one of section five the words "two Assistant Railway Commissioners for New South Wales," and by inserting in lieu thereof the words "three Assistant Railway Commissioners for New South Wales, one of whom shall be selected from officers nominated in that behalf as prescribed by regulations made by the Governor by the registered industrial unions of employees of the Commissioners."

Further
amendment
of Act 1912
No. 30,
s. 5 (1).
Additional
Assistant
Commis-
sioners.

8.

Government Railways (Amendment).

7

8. (1) The Principal Act is further amended as follows :—

- Further amendments of Act No. 30, 1912 (Officers). Sec. 20B.
- (a) Section 20B is amended by adding at the end of subsection three thereof the following :—
 Provided also that no such officer or employee so transferred shall be entitled to extended leave of absence under this Act, in addition to that to which he is entitled by virtue of this section ;
- (b) section seventy-five is amended by adding the following at the end thereof :—“ No such certificate shall be given until reasonable notice has been given by the Commissioners in at least one daily newspaper circulating in the metropolitan district of the fact that applications for the said position will be received ” ;
- (c) section eighty-seven is amended by adding the following paragraph at the end of subsection two :—
- (2A) If any member of the board—
 (a) being an elected member 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 be declared vacant by the board ;
- (d) paragraph (b) of section one hundred and nine is amended by inserting at the end thereof the words “ or in or about any coal-mine controlled by the Commissioners or on the Grafton Railway Ferry Service ” ;
- (e) section one hundred and ten is repealed and the following section substituted therefor :—

110. (1) The board shall consist of seven persons, namely, three persons appointed by the Governor for a term of five years ; three officers

Amendment of the term “ officer.” Sec. 109.

Repeal of s. 110 of Act 1912 No. 30. Substituted section.

The Super-annuation Board.

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, or in his absence one of the Assistant Commissioners nominated by him, who shall ex officio be chairman of the board.

(2) If any member of the board—

- (a) being an elected member 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 be declared vacant by the board.

(3) 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 ;

- (f) section one hundred and fourteen is amended Sec. 114: by adding the following paragraph :—

In the case of any temporary officer who is under this Act entitled to a pension, the service of such officer prior to the first day of January, one thousand nine hundred and seventeen, shall be reckoned as service for the purposes of computing his pension under this section, and the provisions of section one hundred and fifteen of this Act shall apply to such officer as if the abovementioned date were mentioned therein in lieu of the first day of October, one thousand nine hundred and ten ;

- (g) section one hundred and seventeen is amended Sec. 117: by adding—

- (c) if, before payment of the gratuity, such officer dies, the gratuity shall be payable to

Government Railways (Amendment).

9.

- to his widow or, if he does not leave a widow, to his personal representatives, to be administered as part of his estate;
- (h) section one hundred and twenty-six is amended Sec. 126. by the addition of the following:—

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, together with interest thereon as is provided in the next succeeding paragraph, cause the policy to be retransferred 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.

- (2) Nothing in subsection one of section one hundred and ten inserted in the Principal Act by the Savings as to Railway Superannuation Board. last preceding subsection shall affect the elected or appointed members of the board in office at the commencement of this Act and such members shall continue to hold office until the term for which they were appointed or elected, as the case may be, has expired or until their office is declared vacant under the provisions of subsection two of the said section. Any elected member who ceased to be an officer prior to the commencement of this Act shall not be affected by paragraph (a) of subsection two of the said section.

In other respects the said section shall apply in respect of the board in office at the commencement of this Act.

9. The Principal Act is further amended as follows:— Further amendment of Act 1912 No. 30 (Reports). Sec. 39.

- (i) Section thirty-nine is amended by omitting paragraph (d); Sec. 39.
- (ii) section forty-one is repealed;
- (iii) Sec. 40:

- (iii) section sixty-one is amended— Sec. 61.
 (a) by omitting from paragraph (a) the words "or personal injury to any person";
 (b) by omitting paragraph (d);
- (iv) section seventy-two is amended by omitting Sec. 62.
 subsection three;
- (v) section one hundred and one is amended by Sec. 101.
 omitting paragraph (c).
- 10.** The Principal Act is amended as follows:—
- (i) Paragraph (a) of section eleven is repealed, Further amendment of Act No. 30, 1912, s. 11. (Miscellaneous).
 and the following is inserted in place thereof:—
 (a) all railways and tramways and all rolling stock heretofore constructed or acquired by or on behalf of His Majesty, and all railways, tramways, and rolling stock hereafter to be so constructed or acquired;
- (ii) section twenty-seven is repealed and the following is substituted therefor:— Substituted section, s. 27.
 27. (1) Whenever the Commissioners shall so require, the consignor of any goods to be conveyed by railway shall tender or cause to be tendered with such goods an exact account in writing signed by him or on his behalf in such form as may be prescribed or as the Commissioners may approve, showing in addition to any other particulars of the like or of a different kind which the Commissioners may if they think fit demand— Account of loading, &c., to be given.
 (a) the description or nature of the goods to be conveyed;
 (b) the number or quantity of such goods; and
 (c) if such goods are liable to the payment of different charges the respective numbers or quantities thereof liable to each or any of such charges.
- If any such consignor in contravention of the requirements of this section gives a false account he shall for every offence be liable to

to a penalty not exceeding *ten* pounds in addition to the charges to which such goods may be liable.

(2) Whosoever unloads or takes or causes to be unloaded or taken from any railway any goods or animal with intent to avoid the payment of any charges payable in respect thereof shall for every such offence be liable to a penalty not exceeding *ten* pounds in addition to the charges to which such goods or animal may be liable;

(iii) section twenty-eight is repealed and the following is substituted therefor:—

Substituted section, s. 28.

28. Whosoever shall take with him or tender or cause to be tendered for carriage as passenger's luggage any goods, articles, or things other than such as are prescribed for carriage as free luggage with intent to avoid payment of any charges payable in respect thereof shall for every such offence be liable to a penalty not exceeding *ten* pounds in addition to any charges to which such goods, articles, or things may be liable;

False representation as to passenger's luggage.

(iv) the following new section is inserted next after section thirty-two:—

New s. 32A.

32A. In any action brought against the Commissioners to recover damages or compensation in respect of loss or injury to any passenger's luggage, the court or jury shall not find or assess, nor shall judgment be given for or entered for the plaintiff for a greater amount of money than ten pounds in respect of the whole of the luggage unless the owner of the luggage has, previous to entering on his journey, or if he is not travelling by the same train, previous to the departure of the train carrying the luggage, declared in the prescribed manner the value of the luggage to be greater than ten pounds, and has paid an insurance charge, which shall in no case exceed for every one hundred miles, or part of one hundred

Liability for lost luggage. Qld. 1914, 5 Geo. V, No. 24, s. 123.

hundred miles of the proposed transit, a sum equal to one shilling for every ten pounds of the value so declared.

- (v) the following new section is inserted next New s. 130A. after section one hundred and thirty :—

130A. Any person not duly authorised by Dealing in tickets. the Commissioners who shall sell, or attempt to sell, any pass, ticket, or portion of a return ticket, entitling any person to travel on the railways or who shall use or attempt to use a transferred pass, ticket, or portion of a return ticket, or a ticket the time for using which has expired, shall forfeit to the Commissioners a sum not exceeding twenty pounds in addition to the amount, if any, due as railway fare.

- (vi) the following new sections are inserted next New ss. 134A, 134B. after section one hundred and thirty-four :—

134A. Any person being in or upon any Giving false name. land or premises vested in the Commissioners or used exclusively for railway purposes or in or upon any railway train or tramcar who when required by an officer of the Commissioners, in the execution of his duty as such officer, or by any member of the police at the instance of any such officer, to state his name or place of abode, refuses to do so or gives a false name or place of abode shall be liable to a penalty not exceeding *ten* pounds to be recovered in a summary manner.

134B. If any person without lawful excuse, Illegally on premises. proof whereof shall lie on him, is found upon any enclosed premises wherein any trucks or other vehicles containing goods are placed, or is found in or on or attempting to get into or on any truck or other vehicle containing goods whether standing in any station yard or attached to any train, such person shall be liable to imprisonment with hard labour for a period not exceeding *six* months.

11. (1) The Principal Act is further amended—

Further amend-
ment of Act No.
30, 1912. (Draft-
ing amend-
ments), s. 82.

- (a) Section eighty-two is amended by omitting from subsection two the word "Principal," and by inserting in lieu thereof the word "this";
- (b) section one hundred and nine is amended by omitting from paragraph (b) the words "Chief Commissioner," and by inserting in lieu thereof the word "Commissioners";
- (c) section one hundred and eighteen is amended by omitting the words "Chief Commissioner," and by inserting in lieu thereof the word "Commissioners";
- (d) section one hundred and nineteen is amended by omitting the words "Chief Commissioner" and by inserting in lieu thereof the word "Commissioners."

Sec. 109.

Sec. 118.

Sec. 119.

(2) Section six of the Government Railways (Amendment) Act, 1916, is hereby repealed.

Repeal of Act
No. 69, 1916,
s. 6.

(3) The Government Railways (Further Amendment) Act, 1916, is hereby repealed.

Repeal of Act
No. 70, 1916.

