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Hon. Mr. Seddon.

GOVERNMENT RAILWAYS ACT AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend "The Government Railways Act, 1887."

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- 5 1. The Short Title of this Act is "The Government Railways Act Amendment Act, 1892." It shall be construed as one with "The Government Railways Act, 1887" (herein referred to as "the said Act"). Part I. thereof shall come into operation on the first day of January, one thousand eight hundred and ninety-three; and
- 10 Part II. on the twenty-third day of January, one thousand eight hundred and ninety-four; provided that any appointments may be made, or act or thing done or performed, before such day, but so that it shall not take effect until the said day.

Short Title.

Commencement.

PART I.

GENERAL AMENDMENTS.

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2. A Minister of the Crown shall be appointed from time to time by the Governor on behalf of Her Majesty, to be called the Minister for Railways (hereinafter referred to as "the Minister"), who, in addition to the authorities and duties conferred upon him by this No. 127—1.

Minister for Railways.

Act, shall exercise all the powers, authorities, and functions, and shall have all the duties in respect of the Government railways, excepting the power of taking lands for railway purposes, which the Minister for Public Works has hitherto exercised or had.

Every such Minister shall be a member of the Executive Council holding one or more of the offices mentioned or included in the Third Schedule of "The Civil List Act 1863 Amendment Act, 1873," or either of the offices of Minister of Defence or Minister of Education. 5

Governor to take lands for railways.

3. Notwithstanding anything contained in sections twenty-three or twenty-four of the said Act, the power of taking lands for any Government railway under Part II. of "The Public Works Act, 1882," shall be exercised only by the Governor or the Minister for Public Works in manner provided by the said Part in respect of taking lands for a local work, and the Commissioners shall be deemed to be a local authority for the purposes of Parts II. and III. of the Act last aforesaid. 10 15

Minister to determine situations for stations, &c.

4. Section thirty-one of the said Act is hereby amended by the omission of the first words thereof, "The Commissioners," and the substitution of the words "The Minister" in lieu thereof, and by the addition of the following to the section:— 20

Provided that the Minister may, before deciding upon any matters mentioned in the said section, obtain the advice of the Commissioners upon such matters.

Minister may request report of Commissioners on a proposition as to expenditure.

5. The Minister may at any time in writing request the Commissioners to propose in writing a scheme for effecting an increase of income or a decrease of expenditure, or for carrying out any matter of general policy specified by the Minister, and if the Minister approves of the same he may direct the Commissioners to take all necessary steps to carry out the same. 25 30

If the Minister does not approve of any scheme proposed by the Commissioners, he may himself transmit to them any proposition for effecting and carrying out such increase, decrease, or matter of policy, and thereupon the Commissioners shall take all necessary steps to give effect to such proposition.

If any doubt or difference of opinion occurs respecting the provisions of this section, the same may be finally determined by the Governor in Council. 35

Tenders for supply of material to be approved by Minister, also annual estimates by Government before presenting to Parliament.

6. Notwithstanding anything in the said Act contained,—

(1.) All tenders received by the Commissioners for the execution of any works on or in connection with the railways, or for the supply of stores, coal, timber, plant, engines, or rolling-stock, shall be submitted to the Minister, and be approved by him before they shall be respectively accepted by the Commissioners; and 40

(2.) The annual estimates of receipts and expenditure prepared by the Commissioners under section sixty-one of the said Act shall be submitted by them to the Executive Government for their approval before their presentation to Parliament. 45

In such estimates every salary proposed to exceed two hundred pounds per annum shall be set out in detail; and, as to salaries or payments proposed to be paid to any 50

class of persons below such annual sum, if stated in a gross sum, there shall be given a detail of the number of persons included in such class and their relative rate of pay, and also the rate of pay to be granted to each such class respectively.

(3.) The Minister may refer any such estimates back to the Commissioners for amendment either by way of increase or reduction either of persons or of amount of pay, or by way of addition thereto or omission therefrom, or in form of arrangement, and the Commissioners shall amend their estimates accordingly.

7. Section sixty-five of the said Act is hereby amended by the insertion of the following words at the commencement of the second paragraph thereof, namely:—

Section 65 amended.

“Except in the case of a person transferred from any department of the Civil Service.”

8. Section seventy-one of the said Act is hereby amended by the addition of the following words: “At the request of the Minister any such charge against an employé as aforesaid shall be investigated and dealt with by the Commissioners.”

On request of Minister, Commissioners to investigate charges against employés.

9. For section seventy-two of the said Act the following section shall be substituted, namely:—

Appeals from their decisions.

“72. (1.) Every appeal shall be lodged with the Commissioners within seven days after the date of the decision which is appealed against, and shall be heard within thirty days from the date of the appeal being so lodged.

“(2.) Any of the Commissioners by or before whom any appeal shall be heard shall have authority and is hereby authorised to administer an oath to every witness at such hearing, and shall on application of the appellant administer such oath to all witnesses in any appeal the decision of which may result in the dismissal of the appellant.

“(3.) Any one Commissioner may hear all appeals to the Commissioners from employés 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, or make such order as such Commissioner shall think fit, and such decision shall be final. The decision of such Commissioner shall be deemed and taken to be the decision of the Commissioners.

“(4.) Any other appeal or application whatever from officers or employés to the Commissioners may be heard, confirmed, modified, or otherwise finally determined; and any decision of any officer may be reviewed, confirmed, modified, or otherwise finally determined by any two or more Commissioners; but no appellant shall be dismissed unless two Commissioners concur in the determination of his appeal. The decision of such two Commissioners shall be the decision of the Commissioners.”

10. Notwithstanding anything contained in the said Act or “The Public Works Act, 1882,” every reduction whatever made from time to time by the Commissioners in the rates or charges for the carriage of passengers and goods upon the Greymouth-Brunner Railway, or upon the Westport-Ngakawau Railway, or any extension

Tariff on Westport and Grey Railways not to be reduced without the sanction of the Minister.

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thereof which may have been or be constructed out of the Westport Harbour Fund, shall be null and of no effect unless and until the proposed reduction has been approved by the Minister.

Copy of *Gazette* to be evidence of by-laws.

11. The due making of any by-law by the New Zealand Railway Commissioners, and the date of the making thereof, and the date when the same came into force, shall be sufficiently proved by the production of a copy of the New Zealand Government *Gazette* in which such by-law is published. 5

Section twenty-seven of "The Public Works Acts Amendment Act, 1889," is hereby repealed. 10

Proclamations, &c., validated.

12. The several Proclamations and the Order in Council enumerated in the Schedule hereto, issued by the Governor, for the taking of land for railways, or otherwise relating to railways open for traffic, are hereby validated for all purposes, and shall be and be deemed to have been from the dates thereof respectively of the same effect as if the same respectively had been made by the Railway Commissioners appointed under the said Act. 15

PART II.

FUTURE COMMISSIONERS.

Minister to be *ex officio* Commissioner without salary, in addition to not more than three others.

13. From and after the expiry of the commencement of this Part of this Act, the following provisions shall have effect:— 20

(1.) The Minister shall be *ex officio* a Commissioner, but without salary, under the said Act, in addition to not less than two nor more than three other Commissioners to be appointed from time to time under the said Act. 25

The Minister, or any other member of the Executive Council for the time being acting in the absence of the Minister, shall have and may exercise all the powers of a Commissioner, may assist at their meetings, and when present shall preside thereat, and at any time may veto any proceedings or resolution of the Commissioners. 30

(2.) Section five of the said Act shall be read as if the words "not less than two nor more than three Commissioners, exclusive of the Minister," had been inserted in lieu of the words "three Commissioners" where the latter words occur therein. 35

(3.) For the first paragraph of section six of the said Act the following shall be substituted, namely:—

"(1.) The Governor in Council shall, on the expiration of every term of office of Commissioners under the said Act, appoint not less than two nor more than three persons, exclusive of the Minister as aforesaid, to be Commissioners for the purposes of the said Act, who, subject to the provisions of the said Act and this Act, shall each hold office for a term of not less than *three* nor more than *five* years." 40 45

(4.) Section eight of the said Act is hereby repealed.

Tenure of office of Commissioners.

14. For section seven of the said Act the following section shall be substituted, namely:—

“ (1.) Every Commissioner shall hold his office during good behaviour for the term during which he may be appointed under the said Act.

5 “ (2.) The Governor in Council may suspend or remove any Commissioner from his office for inability, inefficiency, mis- Removal.
management, or misbehaviour, or refusal or neglect or failure to carry out any of the provisions of the said Act; and when and so often as the same happens a full statement of the cause of such suspension or removal shall be laid before both Houses of the
10 General Assembly within seven days after the commencement of the next session thereof.

“ (3.) A Commissioner shall be deemed to have vacated his office,— Vacancy of office.

15 “ (a.) If he shall engage, during his term of office, in any employment outside the duties of his office :

“ (b.) If he shall become bankrupt, or apply to take the benefit of any Act now or hereafter to be in force for the relief of bankrupts, or shall compound with his
20 creditors, or make an assignment of his salary for their benefit :

“ (c.) If he shall absent himself from duty for a period of fourteen consecutive days, except on leave granted by the Governor (which leave he is hereby authorised to grant), or shall become incapable of performing his duties :

25 “ (d.) If he shall become in any way concerned or interested in any contract or agreement made by or on behalf of the Commissioners; or shall in anywise participate or claim to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom :

30 “ (e.) If he shall himself, or through any other person for him or on his behalf, receive or take any fee, reward, commission, or benefit of any kind from any company or person contracting for the supply of goods or materials of any kind to a railway, or using any railway for the carriage of any materials, goods, or animals, or
35 from any passenger on any railway.”

15. All the words from the commencement of section nine of the said Act to the end of the second subsection are hereby repealed, and the following substituted :— Salaries of Commis-
sioners.

40 “ Each of the Commissioners shall receive a salary not exceeding *eight hundred* pounds per annum.”

16. Section eleven of the said Act is hereby repealed, and the following substituted :— Conduct of business.

45 “ In the absence of the Minister, or of any other member of the Executive Council acting for him, the Commissioners present at any meeting shall elect one of their number to preside thereat.

50 “ (2.) All questions before the Commissioners shall be decided by a majority of votes; but when only two Commissioners are present, and they differ, the question shall be referred to the decision of the Minister.”

Schedule.

SCHEDULE.

PROCLAMATIONS VALIDATED.

Date of Proclamation.	Railway.	Object of Proclamation.
January 28, 1889...	Waitaki-Bluff ...	Taking land near Stirling.
" 30, " ...	Foxton-New Plymouth	" near Oroua Bridge.
March 14, " ...	North " Island Main " Trunk	" at New Plymouth.
April 22, " ...	Foxton-New Plymouth	Undertaking to maintain fences.
May 11, " ...	Foxton-New Plymouth	Taking land near Kai-iwi.
" 16, " ...	Duntroon Branch ...	" at Duntroon.
June 26, " ...	Wellington-Woodville ...	" at Pitone.
July 9, " ...	Kaipara-Waikato ...	" for Kaukapakapa Section
" 9, " ...	Kaukapakapa Northwards	" " "
" 9, " ...	Foxton-New Plymouth...	" at New Plymouth. "
August 28, " ...	North Island Main Trunk	" at Rangatira.
October 6, " ...	Foxton-New Plymouth...	" at Ngaire.
<i>Order in Council.</i>		
September 16, 1889	Waitaki-Bluff ...	Authorising sale of land at Balclutha.

By Authority: GEORGE DIBSBURY, Government Printer, Wellington.—1893.