

Hon. Mr. Seddon.

GOVERNMENT RAILWAYS ACT AMENDMENT.

ANALYSIS.

Title.	5. Board of Appeal.
1. Short Title.	6. Mode of appeal.
2. Interpretation.	7. Leave of absence.
3. Minister for Railways.	8. Regulations in respect of employes.
4. Railways to be re-vested in Her Majesty the Queen.	9. Proclamations, &c., validated. Schedules.

A BILL INTITULED

~~An Act to amend "The Government Railways Act, 1887."~~

An Act to make better Provision for the Maintenance and Management of the Government Railways in New Zealand. Title.

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

1. The Short Title of this Act is "The Government Railways Act, Amendment Act, 1894." It shall be construed as one with "The Government Railways Act, 1887." (herein referred to as "the said Act," and it shall come into operation on the first day of January, one thousand eight hundred and ninety-five, with the exception of section nine, which shall come into operation at the passing hereof. Short Title.

New clause.

2. In this Act, if not inconsistent with the context,— Interpretation.

15 "The said Act" means "The Government Railways Act, 1887":

"The Commissioner" and "Commissioners" respectively mean the Railway Commissioners appointed under the said Act:

20 "Railways" mean any railway or railways vested by the said Act in the Commissioners, and includes any additions to or reconstruction of any such railway:

"The Minister" means the Minister for Railways appointed under this Act.

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

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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.

Railways to be
revested in Her
Majesty the Queen.

3 4. From and after the commencement date of the coming into 5
operation of this Act, the railways in the colony, now vested in the
New Zealand Railway Commissioners, shall again be vested in Her
Majesty, and the management of the said railways shall pass to the
Minister, to be controlled and regulated under "The Public Works
Act, 1882," and the several Acts amending the same *and this Act.* 10

- (1.) "The Government Railways Act, 1887," and all the pre-
ceding sections of this Act, except sections one and two thereof,
shall be repealed.
- (2.) The appointments of the Commissioners shall *thereupon* be
determined: but they severally shall receive appointments from 15
the Governor as officers of the railway service of the colony, to
date from the aforesaid day, for the residue of the terms of
office for which they were respectively appointed as Commis-
sioners aforesaid, and at the same rate of salary: *Provided*
however that on the termination of their present engage- 20
ments on the twenty-second day of October next, the said
Commissioners may be reappointed at their present rates of
salary, but so that such appointments shall expire upon the
commencement of this Act:
- (3.) All persons who were in the Civil Service immediately before 25
the twenty-eighth day of January, one thousand eight
hundred and eighty-nine, shall hereafter upon and after
the commencement of this Act be in the same position in
such service as if they had never left it:
- (4.) All persons in the employ of the Commissioners who are not 30
within the terms of the *last-preceding* subsection shall be
deemed to be the servants and employés of Her Majesty:
- (5.) The *two preceding* subsections shall also apply, *mutatis*
mutandis, to the persons holding the office of Commis-
sioners at the date of the passing of this Act who were 35
in the Civil Service of the colony at the commencement
of "The Government Railways Act, 1887."
- (6.) All property of every sort mentioned in section sixteen of the
said Act, and description which by the said section Act
was vested in the Commissioners for any estate or interest 40
and all property, rights, and interests of any kind acquired
by the Commissioners under the said Act, shall vest
absolutely in Her Majesty for the same estate or interest:
- (7.) All purchases, sales, grants, conveyances, deeds, securities,
bonds, and agreements and transactions of any kind men- 45
tioned in section nineteen of the said Act, entered into, made,
or given by or to the Commissioners in connection with
any property whatever vested in the Commissioners, and
which are operative or capable of taking effect, shall be
binding, and may be enforced as if Her Majesty or the 50
Minister, as the case may be, had been a party thereto:

- (8.) All powers of Her Majesty, the Governor in Council, or the Governor or Minister, under any Act relating to the management, working, and maintenance of railways, and all rights and privileges accrued or accruing under or by virtue of any such Act, and which by ~~section twenty~~ of the said Act were authorised to be exercised, enforced, and enjoyed by the Commissioners, shall revert to and be exercised, enforced, and enjoyed respectively in manner as before the said Act was passed :
- (9.) All by-laws and regulations made by the Commissioners shall continue in operation as if they had been made under "The Public Works Act, 1882," and the several Acts amending the same, and any penalty, forfeiture, or other punishment incurred or to be incurred thereunder respectively may be enforced and recovered in the same manner :
- (10.) No action or other proceeding whatsoever commenced by or against the Commissioners shall abate or be discontinued, or be prejudicially affected, but the same shall continue and take effect in favour of or against Her Majesty or the Minister, as the case may be :
- (11.) All judgments, decrees, or orders made in favour of or against the Commissioners, and all fines and penalties imposed or incurred under "The Government Railways Act, 1887," or under any other Act in respect of any matter or thing vested in the Commissioners, and unsatisfied or unperformed, or that have not been recovered or enforced, shall be respectively enforced, levied, proceeded for, and recovered by, against, with reference to, and in the name of Her Majesty, or the Minister, in the same manner as they might have been enforced, levied, proceeded for, and recovered by, against, with reference to, and in the name of the Commissioners :
- (12.) All rights, powers, duties, and obligations now by law conferred and imposed upon the Railway Commissioners are hereby transferred to Her Majesty ; and all references to the Railway Commissioners in any statute or regulation thereunder or in any Order in Council, Proclamation, or other similar instrument, shall be construed as references to Her Majesty.
- 4 5. An Appeal Board is hereby constituted for the North Island and Middle Island respectively, each of which Boards (herein referred to as "the Board") shall consist of— Board of Appeal.
- (1.) A Judge of the District Court or a Stipendiary Magistrate to be appointed from time to time by the Governor, ~~who shall be~~ *and such Judge or Magistrate shall be* the Chairman ;
- (2.) One person to be elected by the officers of the railway service in the North Island and Middle Island respectively ; and
- (3.) One person to be elected by the employés of such service in the aforesaid islands respectively.

The Governor in Council may make regulations for the conduct of the elections of the aforesaid persons respectively, and provide facilities to the officers and employés of the aforesaid service for voting at such elections, and for the attendance of the elected persons at any sittings of the Board to which they may be elected.

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Mode of appeal.

5 6. Every appeal shall be lodged with the Minister, or with some officer appointed by him for the purpose, 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.

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

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(2.) Every appeal or application whatever from officers or employés (except for fines inflicted upon them by officers) may be heard, confirmed, modified, or otherwise determined, and any decision of any officer may be reviewed, confirmed, modified, or otherwise determined by the Board. The decision of two members of the Board shall be the decision of the Board.

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Every decision of the Board shall be submitted for the approval of the Minister before it takes effect.

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(3.) The Minister may hear all appeals 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.

Leave of absence.

6 7. The Minister shall, at such times as may be convenient, grant to every officer or employé leave of absence; such leave of absence to be for one week in each year, and to be given at one time:

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Provided, however, that nothing in this section shall be deemed to limit any leave of absence usually heretofore granted under regulations now existing.

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New clause.

Regulations in respect of employés.

8. The Governor may, by Order in Council, from time to time make, alter, or repeal regulations not inconsistent with this Act—

(1.) For determining into what branches the railway service shall be divided, and for organizing and classifying the same:

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(2.) For determining which of the employés in the railway service shall be permanent and which shall be temporary, and which of them shall be required to give security for the performance of their duties;

(3.) For prescribing the qualifications required of all candidates for permanent employment, and the ages at which they shall be admitted to each of the various branches of the railway service, and, if necessary, in each grade of such branches;

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(4.) For determining the nature or character and extent of qualifications, examinations, or tests, according to the requirements of each of the higher grades in the railway service,

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which employes in the lower grades desiring to compete for and to be promoted to such higher grades shall possess or undergo;

- 5 (5.) For determining the rate of salaries, wages, or other allowances to be paid or made to the employes in the permanent employ of the Commissioners, and also in the case of temporary employments;
- 10 (6.) For regulating the relative rank, position, grade, or class in the duties and conduct of the employes in each of the various branches of the railway service; and for determining which of such grades shall be deemed the higher and lower grades respectively in such railway service;
- 15 (7.) For regulating the duties to be performed by employes in the several branches of the railway service, and the discipline to be observed in the performance of such duties, and arranging for the performance of duties during holidays;
- (8.) For fixing the ages at which employes shall retire in the different branches of the railway service;
- 20 (9.) For affixing to breaches of such regulations, according to the nature of the offences, such penalties as by or under this Act are authorised.

A list shall be prepared and laid before Parliament each year, setting out the name, status, and salary of each employé in the order of his rank.

7 9. The several Proclamations and the Order in Council enumerated in the *First 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; and the Proclamation named in the *Second Schedule* is cancelled, so far as regards the *Onehunga Town and Borough endowments mentioned therein.*

Proclamations, &c., validated.

SCHEDULES.

FIRST SCHEDULE.

Schedules.

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, " ...	" " " ...	" at New Plymouth.
April 22, " ...	North Island Main Trunk	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.
Order in Council. September 16, 1889	Waitaki-Bluff ...	Authorising sale of land at Balclutha.

<i>New Schedule.</i>		
SECOND SCHEDULE.		
PROCLAMATION CANCELLED IN PART.		
Date of Proclamation.	Railway.	Object of Proclamation.
March 20, 1885 ...	Kaipara - Waikato, Onehunga Branch	Taking land in Onehunga, being portion of the Onehunga Town endowment of 1 acre 2 roods 12 perches mentioned therein as taken from Lot 11, Section 17, Borough of Onehunga.

By Authority: SAMUEL COSTALL, Government Printer, Wellington.—1894.

Hon. Mr. Seddon.

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~~It shall be construed as one with "The Government Railways Act, 1887." (herein referred to as "the said Act,"~~
 10 *and it shall come into operation on the first day of January, one thousand eight hundred and ninety-five, with the exception of section nine, which shall come into operation at the passing hereof.*

New clause.

2. In this Act, if not inconsistent with the context,— Interpretation.

15 "The said Act" means "The Government Railways Act, 1887":

"The Commissioner" and "Commissioners" respectively mean the Railway Commissioners appointed under the said Act:

20 "Railways" mean any railway or railways vested by the said Act in the Commissioners, and includes any additions to or reconstruction of any such railway:

"The Minister" means the Minister for Railways appointed under this Act.

25 3. 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 Act, shall exercise all the powers, authorities, and functions, and shall have all the duties in respect of ~~the~~ Government railways *open*
 30 *for traffic*, 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.

Railways to be
revested in Her
Majesty the Queen.

§ 4. From and after the commencement date of the coming into operation of this Act, the railways in the colony, now vested in the New Zealand Railway Commissioners, shall again be vested in Her Majesty, and the management of the said railways shall pass to the Minister, to be controlled and regulated under "The Public Works Act, 1882," and the several Acts amending the same and this Act. 10

- (1.) "The Government Railways Act, 1887," and all the preceding sections of this Act, except sections one and two thereof, shall be repealed. 10
- (2.) The appointments of the Commissioners shall thereupon be determined: but they severally shall receive appointments from the Governor as officers of the railway service of the colony, to date from the aforesaid day, for the residue of the terms of office for which they were respectively appointed as Commissioners aforesaid, and at the same rate of salary: Provided however that on the termination of their present engagements on the twenty-second day of October next, the said Commissioners may be reappointed at their present rates of salary, but so that such appointments shall expire upon the commencement of this Act: 15
- (3.) All persons who were in the Civil Service immediately before the twenty-eighth day of January, one thousand eight hundred and eighty-nine, shall hereafter upon and after the commencement of this Act be in the same position in such service as if they had never left it: 20
- (4.) All persons in the employ of the Commissioners who are not within the terms of the last-preceding subsection shall be deemed to be the servants and employés of Her Majesty: 30
- (5.) The two preceding subsections shall also apply, *mutatis mutandis*, to the persons holding the office of Commissioners at the date of the passing of this Act who were in the Civil Service of the colony at the commencement of "The Government Railways Act, 1887." 35
- (6.) All property of every sort mentioned in section sixteen of the said Act, and description which by the said section Act was vested in the Commissioners for any estate or interest and all property, rights, and interests of any kind acquired by the Commissioners under the said Act, shall vest absolutely in Her Majesty for the same estate or interest: 40
- (7.) All purchases, sales, grants, conveyances, deeds, securities, bonds, and agreements and transactions of any kind mentioned in section nineteen of the said Act, entered into, made, or given by or to the Commissioners in connection with any property whatever vested in the Commissioners, and which are operative or capable of taking effect, shall be binding, and may be enforced as if Her Majesty or the Minister, as the case may be, had been a party thereto: 45 50

- 5 (8.) All powers of Her Majesty, the Governor in Council, or the Governor or Minister, under any Act relating to the management, working, and maintenance of railways, and all rights and privileges accrued or accruing under or by virtue of any such Act, and which by section ~~twenty~~ of the said Act were authorised to be exercised, enforced, and enjoyed by the Commissioners, shall revert to and be exercised, enforced, and enjoyed respectively in manner as before the said Act was passed :
- 10 (9.) All by-laws and regulations made by the Commissioners shall continue in operation as if they had been made under "The Public Works Act, 1882," and the several Acts amending the same, and any penalty, forfeiture, or other punishment incurred or to be incurred thereunder respectively may be enforced and recovered in the same manner :
- 15 (10.) No action or other proceeding whatsoever commenced by or against the Commissioners shall abate or be discontinued, or be prejudicially affected, but the same shall continue and take effect in favour of or against Her Majesty or the Minister, as the case may be :
- 20 (11.) All judgments, decrees, or orders made in favour of or against the Commissioners, and all fines and penalties imposed or incurred under "The Government Railways Act, 1887," or under any other Act in respect of any matter or thing vested in the Commissioners, and unsatisfied or unperformed, or that have not been recovered or enforced, shall be respectively enforced, levied, proceeded for, and recovered by, against, with reference to, and in the name of Her Majesty, or the Minister, in the same manner as they might have been enforced, levied, proceeded for, and recovered by, against, with reference to, and in the name of the Commissioners :
- 25 (12.) All rights, powers, duties, and obligations now by law conferred and imposed upon the Railway Commissioners are hereby transferred to Her Majesty ; and all references to the Railway Commissioners in any statute or regulation thereunder or in any Order in Council, Proclamation, or other similar instrument, shall be construed as references to Her Majesty.
- 30 4 5. An Appeal Board is hereby constituted for the North Island and Middle Island respectively, each of which Boards (herein referred to as "the Board") shall consist of— Board of Appeal.
- 35 (1.) A Judge of the District Court or a Stipendiary Magistrate to be appointed from time to time by the Governor, ~~who shall be~~ and such Judge or Magistrate shall be the Chairman ;
- 40 (2.) One person to be elected by the officers of the railway service in the North Island and Middle Island respectively ; and
- 45 (3.) One person to be elected by the employés of such service in the aforesaid islands respectively.
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The Governor in Council may make regulations for the conduct of the elections of the aforesaid persons respectively, and provide facilities to the officers and employés of the aforesaid service for voting at such elections, and for the attendance of the elected persons at any sittings of the Board to which they may be elected. 5

Mode of appeal.

5 6. Every appeal shall be lodged with the Minister, or with some officer appointed by him for the purpose, 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.

(1.) The Chairman of the Board, by or before whom any appeal 10 shall be heard, shall have authority and is hereby authorised to administer an oath or affirmation to every witness at such hearing, and shall on application of the appellant administer such oath or affirmation to all witnesses in any appeal the decision of which may result 15 in the dismissal of the appellant.

(2.) Every appeal or application whatever from officers or employés (except for fines inflicted upon them by officers) may be heard, confirmed, modified, or otherwise determined, and any decision of any officer may be reviewed, 20 confirmed, modified, or otherwise determined by the Board. The decision of two members of the Board shall be the decision of the Board.

Every decision of the Board shall be submitted for the approval of the Minister before it takes effect. 25

(3.) The Minister may hear all appeals 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.

Leave of absence.

6 7. The Minister shall, at such times as may be convenient, grant 30 to every officer or employé leave of absence; such leave of absence to be for one week in each year, and to be given at one time:

Provided, however, that nothing in this section shall be deemed to limit any leave of absence usually heretofore granted under regulations now existing. 35

New clause.

Regulations in respect of employés.

8. The Governor may, by Order in Council, from time to time make, alter, or repeal regulations not inconsistent with this Act—

(1.) For determining into what branches the railway service shall be divided, and for organizing and classifying the same: 40

(2.) For determining which of the employés in the railway service shall be permanent and which shall be temporary, and which of them shall be required to give security for the performance of their duties;

(3.) For prescribing the qualifications required of all candidates 45 for permanent employment, and the ages at which they shall be admitted to each of the various branches of the railway service, and, if necessary, in each grade of such branches;

(4.) For determining the nature or character and extent of qualifications, examinations, or tests, according to the requirements of each of the higher grades in the railway service, 5

which employes in the lower grades desiring to compete for and to be promoted to such higher grades shall possess or undergo;

- 5 (5.) For determining the rate of salaries, wages, or other allowances to be paid or made to the employes in the permanent employ of the Commissioners, and also in the case of temporary employments;
- 10 (6.) For regulating the relative rank, position, grade, or class in the duties and conduct of the employes in each of the various branches of the railway service; and for determining which of such grades shall be deemed the higher and lower grades respectively in such railway service;
- 15 (7.) For regulating the duties to be performed by employes in the several branches of the railway service, and the discipline to be observed in the performance of such duties, and arranging for the performance of duties during holidays;
- (8.) For fixing the ages at which employes shall retire in the different branches of the railway service;
- 20 (9.) For affixing to breaches of such regulations, according to the nature of the offences, such penalties as by or under this Act are authorised.

A list shall be prepared and laid before Parliament each year, setting out the name, status, and salary of each employe in the order of his rank.

7 9. The several Proclamations and the Order in Council enumerated in the *First 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; and the *Proclamation named in the Second Schedule is cancelled, so far as regards the Onehunga Town and Borough endowments mentioned therein.*

Proclamations, &c., validated.

SCHEDULES.

FIRST SCHEDULE.

Schedules.

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.
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" 9, " ...	Kaukapakapa Northwards ...	" " " "
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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.

New Schedule.

SECOND SCHEDULE.

PROCLAMATION CANCELLED IN PART.

Date of Proclamation.	Railway.	Object of Proclamation.
March 20, 1885 ...	Kaipara - Waikato, Onehunga Branch	Taking land in Onehunga, being portion of the Onehunga Town endowment of 1 acre 2 roods 12 perches mentioned therein as taken from Lot 11, Section 17, Borough of Onehunga.

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