

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
10th November, 1913.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Herries.

GOVERNMENT RAILWAYS AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN Act to amend the Government Railways Act, 1908.

Title.

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

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1. (1.) This Act may be cited as the Government Railways Amendment Act, 1913, and shall form part of and be read together with the Government Railways Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

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2. Section two of the principal Act is hereby amended—
(a.) By omitting the definition of " member," and substituting therefor the following :—

Section 2 of principal Act amended.

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" " Member ' means any person employed in the service of the Department, but does not include an apprentice or a person serving on probation pursuant to regulations, or any person temporarily employed in any capacity " ; and

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(b.) By adding thereto the following definitions :—
" " Permanent head ' means the General Manager of Railways or the member for the time being acting for or on behalf of the General Manager :

“ ‘Apprentice’ means any person indentured to learn a trade under the guidance of a master :

“ ‘Master’ means any member to whom an apprentice is indentured, and includes the successor in office of such member :

“ ‘Promotion’ means advancement to a higher grade or subgrade or more responsible position, and includes progression from the minimum to the maximum salary or wage of any class, subclass, grade, or subgrade :

“ ‘Ticket’ means and includes any cardboard, paper, metal, or other kind of ticket, document, or pass issued by the Department either at the prescribed rates or at reduced rates or free of charge, and on production of which the purchaser, or, in the case of a free pass, season ticket, trip ticket, or periodical ticket, the person to whom it is issued, is authorized to travel between specified stations or over the whole railway system for a single or return journey, or for a specified number of trips, or for a defined period, subject to such conditions as may be prescribed :

“ ‘Station’ means any officered railway-station, flag-station, platform, or railway-crossing, and includes the area within the station-limits as defined by the Department.”

Section 6 of principal Act amended.

3. Subsection two of section six of the principal Act is hereby repealed, and the following subsection is substituted therefor :—

“(2.) The powers and duties conferred and imposed on the Minister of Public Works by the Public Works Act, 1908, are, *mutatis mutandis*, hereby conferred and imposed on the Minister of Railways in respect of all matters and works under the control of or being carried out by the Department, but without in any way limiting or interfering with the powers and duties of the Minister of Public Works under the said Act.”

Section 10 of principal Act amended.

4. Section ten of the principal Act is hereby amended by repealing subparagraph (xiii) of paragraph (e), and substituting therefor the following subparagraph :—

“(xiii) Regulating the conditions, manner, times, and places in, at, or subject to which tickets of any kind may be issued, and also the conditions, manner, times, and places in, at, or subject to which such tickets may be used by passengers on the railway or shall be presented for examination and checking by any railway official, or shall be delivered up by such passengers.

Additional offences on railways punishable by imprisonment.

5. (1.) If any person does, or causes, or procures to be done any of the following things :—

(a.) Sells or transfers, or offers for sale or transfer, any ticket, or permits any person other than the person to whom or on whose behalf the same is issued to make use of the same ; or

(b.) Sells or transfers, or offers for sale or transfer, a ticket or any portion of a ticket which has been used for the whole

or any part of the journey, period, or trips for which the ticket was issued, or travels or attempts to travel with any such ticket or portion of a ticket sold or transferred by any person ; or

- 5 (c.) Sells or transfers, or offers for sale or transfer, or permits any person (other than the person in whose name or on whose behalf it is made out), to use any certificate or order for the purpose of obtaining a concession ticket or reduction in fare ; or
- 10 (d.) Uses or attempts to use any certificate or order for a concession ticket or reduction in fare without being entitled to do so ; or
- (e.) Makes to any railway official any false statement respecting the age or occupation of any person, or respecting any other matter on which the charge for any ticket is dependent ; or
- 15 (f.) Sells or offers for sale within the precincts of a railway or in any railway-carriage any book of an indecent, vicious, or objectionable character,—

20 he shall be liable to imprisonment with or without hard labour for any term not exceeding *two* months, or to a fine not exceeding *ten* pounds.

(2.) Paragraphs (f) and (h) of section twenty-six of the principal Act are hereby repealed. Repeals.

25 6. (1.) If any person does or causes or procures to be done any of the following things :—

Additional offences on railways punishable by fine.

- (a.) Neglects, delays, or refuses to produce his ticket immediately it is called for by the guard or ticket-inspector or other railway official on any train or platform ; or
- 30 (b.) Trespasses upon any part of a railway to which the public are not allowed access by law,—
- he shall be liable to a fine not exceeding *ten* pounds.

(2.) Paragraph (d) of section twenty-seven of the principal Act is hereby repealed. Repeal.

35 7. Any lease of railway land granted prior to the passing of the Government Railways Amendment Act, 1910 (No. 2), may, with the consent of the Minister, be surrendered by the lessee, and, in lieu thereof, the Minister may grant to the lessee a new lease in accordance with the provisions of section three of the said Act without

40 submitting such new lease to public auction or tender :

Certain existing leases may be surrendered, and new leases issued.

Provided that the rental to be reserved under such new lease shall be fixed by the Minister upon the recommendation of the permanent head of the Department, who shall, before making such recommendation, cause a new valuation of the land to be made, and shall, in making such recommendation, take into consideration the value of the land as so determined and the improved terms and conditions of the new lease.

50 8. (1.) Where a road or street crosses a railway on the level the Minister shall maintain and metal the road and crossing on the railway and for a distance, on each side, of thirty-three feet outside the centre-line of any line of rails so crossed ; and the local authority Level crossings.

having ~~charge~~ control of the road or street shall maintain and metal the approaches to such crossing, subject to the approval of the Minister.

(2.) Where a road or street crosses over or under any railway by means of a bridge, the structure of such bridge, exclusive of the decking or other road surface, shall be maintained by the Minister. 5

(3.) Where a road or street crosses under the railway ~~it~~ *such road or street* shall be maintained by the local authority having the control thereof.

(4.) Where a road or street crosses over the railway the decking or other road-surface of the bridge shall be maintained by the Minister at the cost of the local authority having charge of the road or street. 10

Repeal.

(5.) This section is in substitution for section forty-three of the principal Act, and that section is hereby accordingly repealed.

Automatic signals at level crossings.

9. (1.) Where a road or street crosses the railway on the level the Minister may cause to be erected in addition to the usual "stop" notice-boards such signals as he considers necessary for the protection of persons using the crossing. 15

(2.) The Minister shall not be liable in respect of any accident that may occur by reason of the temporary failure of such signals. 20

Limiting speed of motors at railway crossings.

10. Every person in charge of a motor or driving a motor on or along any road or street shall when approaching a railway-crossing slacken speed when within one hundred yards of the crossing to a rate not exceeding ten miles an hour, and shall stop before ~~coming~~ *coming into contact with* the railway-line. He shall also keep a vigilant lookout for approaching trains and shall not attempt to pass over any such crossing unless the line is clear, and shall not pass over such crossing at a greater speed than ten miles an hour. 25

Inquiries as to accidents to railway passengers.

11. (1.) Where an accident has occurred to any train resulting in injury to any passenger travelling thereby the Minister may order an inquiry to be held into the circumstances by a Board constituted as hereinafter provided. 30

(2.) The Board shall be appointed by the Minister, and shall consist of a Magistrate, who shall preside, and two assessors (not members of the railway service), both of whom must have had experience in railway working. 35

(3.) The Board shall have power to summon witnesses and to hear any evidence on oath which it may deem necessary for the purposes of the inquiry.

(4.) Any person concerned in an inquiry under this section may appear before the Board either personally or by an agent appointed by him in writing in that behalf. Such agent may be a barrister or solicitor, or a member of the Department, or the secretary of any society of members of the Department recognized by the Minister. 40

(5.) A full report, together with the evidence taken at the inquiry, shall be submitted by the Board to the Minister, together with such opinion and remarks as the Board thinks fit. 45

(6.) Each of the assessors shall sign the report or state in writing to the Minister his dissent therefrom, giving the reasons therefor. 50

(7.) The Board may fix the costs of the inquiry and direct by whom and in what proportion they shall be payable.

(8.) Expenses of witnesses shall be regulated according to the scale for the time being in force under the Magistrates' Courts Act, 1908, in the case of witnesses who are not members of the Department, and in the case of witnesses who are members reasonable expenses shall be allowed.

(9.) Costs awarded shall be recoverable as a debt due to the Crown.

(10.) The Minister may, if in any case he thinks fit, pay the costs of the inquiry.

(11.) The inquiry shall be held in some public building or other suitable place, but shall not be held in a place ordinarily used as a Police Court.

(12.) The Magistrate may decide in each case whether the proceedings shall be open to the Press.

12. Section fifty-six of the principal Act is hereby amended by omitting the words "and the officer at the head of each branch thereof shall in respect of any member in that branch."

Section 56 of principal Act amended.

13. Paragraph (a) of section sixty-four of the principal Act is hereby repealed, and the following paragraph substituted therefor:—

Section 64 of principal Act amended.

20 "(a.) Every decision of the Appeal Board shall be submitted to the Minister, who may confirm, modify, or disallow the same, and no such decision shall take effect unless and until the Minister has signified his approval thereof."

14. Subparagraph (i) of paragraph (a) of section sixty-five of the principal Act is hereby amended by adding the following words: "or that witnesses who were not essential to the case have been nominated by and attended at the request of the appellant."

Section 65 of principal Act amended.

15. Section sixty-eight of the principal Act is hereby amended as follows:—

Section 68 of principal Act amended.

30 (a.) By repealing paragraph (g), and substituting therefor the following paragraph:—

35 "(g.) Providing that no member shall, if he is married or is a widower with a child or children under the age of sixteen years living with and dependent on him, receive a salary of be paid less than the minimum rate prescribed for an adult member under the classification schedule in operation for the time being for Division II"; and

(b.) By adding the following paragraph:—

40 "(s.) Prescribing tests of efficiency for officers in Subgrade 4 and Subgrade 7 respectively of Grade 9 of Sub-division II of the First Division of the Department."

16. Section eighty-four of the principal Act is hereby amended by adding to subsection one the following words:—

Section 84 of principal Act amended.

45 "Provided that where a member is promoted and is subsequently retired within five years from the date of his promotion the retiring allowance payable to him shall be not less than the sum that he would have been entitled to receive had he not been so promoted."

17. (1.) The Schedule to the Government Railways Amendment Act, 1912, is hereby amended as follows:—

Classification Schedule amended.

- (a.) By repealing so much thereof as relates to the First Division, and substituting therefor the First Schedule hereto; and
- (b.) By omitting from the part relating to the Second Division the reference to junior porters, in Class 1 (Traffic and Stores); the reference to junior labourers, junior strikers, junior machinists, junior lifters, and rivet-boys, in Class 2 (Locomotive); and the reference to junior surfacemen, junior platelayers, and junior labourers, in Class 3 (Maintenance), and substituting therefor respectively the corresponding references in the Second Schedule hereto.

(2.) This section shall come into operation on the first day of April, nineteen hundred and *fourteen*.

Classification of members of First Division.

18. For the purposes of the *last preceding* section the Minister shall, on the first day of April, nineteen hundred and *fourteen*, cause all members of the First Division then in the service of the Department to be classified according to the classification set forth in the First Schedule hereto, and shall fix each such member's rate of pay and the date on which his first annual increment (if any) begins to be payable:

Provided that—

- (a.) With respect to every member, the right to advance from one subgrade to another, or where there are no subgrades the right to receive any increase of pay in any year, shall in each case depend upon the efficiency and good conduct of that member, and no such advancement shall be made or increase payable unless the permanent head of the Department certifies in writing that the member is entitled thereto.
- (b.) Except in the case of promotion, no increase shall begin earlier than twelve months after the date on which the member's last previous increase began to be payable.

Annual classification list to be laid before Parliament.

19. From such classification there shall be prepared and laid before Parliament each year a list setting out in order of classification the name, status, and pay of each member, probationer, and apprentice, and the number of years he has been in the service of the Department.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

CLASSIFICATION OF THE FIRST DIVISION.

Designation.	Pay per Annum.		Annual Increments.
	Minimum.	Maximum.	
SUBDIVISION I.			
CLASS 1: GENERAL MANAGEMENT.			
	£	£	
General Manager, not exceeding ...	...	3,000	
Chief Clerk ...	800	1,000	Four of £50.
CLASS 2: BRANCH MANAGEMENT.			
Chief Mechanical Engineer (in charge of Locomotive, Carriage, and Wagon Branch)	800	1,000	Four of £50.
Chief Traffic Manager ...	800	1,000	Four of £50.
Chief Engineer (in charge of Maintenance Branch)	800	1,000	Four of £50.
Chief Accountant ...	600	750	Three of £50.
Comptroller of Stores ...	600	650	One of £50.

SUBDIVISION II.

SCALE SHOWING RATES OF ANNUAL SALARIES AND ANNUAL INCREMENTS OF OFFICERS OF THE SALARIED STAFF NOT OTHERWISE SPECIFIED.

Grade.	Subgrade.								
	1	2	3	4	5	6	7	8	9
	£	£	£	£	£	£	£	£	£
1 ...	625	650	675	700	...	...	...	...	...
2 ...	545	560	575	600	...	...	...	...	...
3 ...	485	505	525	...	...	...	...	...	...
4 ...	440	455	465	475	...	...	...	...	...
5 ...	385	400	415	425	...	...	...	...	...
6 ...	330	345	360	370	...	...	...	...	...
7 ...	265	280	295	315	...	...	...	...	...
8 ...	230	245	260	...	...	...	...	...	...
9 ...	125	135	150	165	180	190	200	210	220
10 ...	50	65	80	95	110	...	...	...	...

Engineering (civil, mechanical, and drafting) cadets shall be entitled to receive £10 per annum in addition to the rates specified in Grade 10, and on completion of their cadetship shall start in the 9th grade at £135.

Members of the 10th grade living away from their homes when on duty shall be paid 10s. a week lodging-allowance while in subgrade 1, 8s. a week while in subgrade 2, and 5s. a week while in subgrade 3.

Members of the 10th grade (other than engineering cadets) who pass the Matriculation Examination or who pass with credit the prescribed examination for candidates for admission to the Public Service shall be entitled to count six months' service therefor, and for passing the Senior Civil Service Examination

