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AUSTRALIAN NATIONAL RAILWAYS AMENDMENT BILL 1977

Date Introduced: 28 April 1977
House: House of Representatives
Presented by: The Honourable P. J. Nixon, M.P.,
Minister for Transport

Short Digest of Bill

Purpose

This Bill will amend the Australian National Railways Act 1917. It deals primarily with matters relating to:

- a) Personnel – including terms and conditions of service, superannuation, promotions appeals, disciplinary appeals and retirement.
- b) Settlement of industrial disputes and determination of industrial matters.

Its main purpose is to enable The Australian National Railways Commission to manage state railways in accordance with agreements between the Commonwealth and South Australia and the Commonwealth and Tasmania.

Other matters covered include:

- a) An essential amendment to the Act to ensure that fares, rates and charges conform to the Railway Agreement Acts (South Australia) and (Tasmania) (1975), i.e. in South Australia the rates must be no less favourable than in other states. In both States concessions are to continue.
- b) The opportunity has been taken to make a minor correction to the Australian National Railways Act 1917–1975 concerning contracts exceeding \$100,000.
- c) The Commission's powers of investment have been widened slightly so that money in the bank no longer has to be on fixed deposit.

Terms and Conditions of Service or Employment

Clause 9 of the Bill amends section 46 of the Act. It lays down that terms and conditions of employment may include grounds for misconduct and how charges will be dealt with. It also provides that a certificate of the General Manager stating terms and conditions of service shall be accepted as prima facie evidence in a court.

Superannuation

Clause 11 repeals section 51 of the Act and substitutes a new section 51 which makes provision for a procedure whereby an employee who is transferred from the South

Australian National Railways Amendment Bill 1977 (Bills Digest 28, 1977)

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Australian or Tasmanian Railways to the Commission can continue in his State Superannuation Fund. The section details the financial arrangements involved.

Promotions Appeals

Clause 12 repeals section 53 of the Act and substitutes a new section 53 and section 53A. These provide for the setting up of Promotions Appeals Boards. The new sections define the general nature of circumstances in which appeals may be made. They give power to Boards to remedy injustices done to employees.

Disciplinary Appeals

Clause 12 also provides for the setting up of Disciplinary Appeals Boards by adding section 53B, 53C and 53D to the Act. Boards deal with decisions made in cases of misconduct where the employee is dissatisfied. Powers are given to confirm or set aside a previous decision or make a substitute decision. A Board will have wide powers to require witnesses to attend its hearings.

Retirement

Clause 13 repeals section 54 of the Act which laid down a retiring age of 65, but permitted employees to retire when 60. This has been done to allow the Commission to determine conditions of service under section 46(2) of the Act.

Industrial Disputes and Industrial Matters

Clause 14 of the Bill adds sections 54B, 54C, 54D, 54E and 54F to the Act. For industrial disputes and other industrial matters these sections bring all employees of the Railway Service under the jurisdiction of the Conciliation and Arbitration Commission instead of the Public Service Arbitrator as before. Decisions of the Arbitrator made before the Bill becomes law are to stand.

2 May 1977

Defence, Science and Technology Group
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