

testing, approval, marking, and stamping of fittings shall be accepted for the purposes of the Building Regulations, together with descriptions, verbal or pictorial, of their marks or stamp"; and

(d) by adding, at the end thereof, the following paragraph:—

"37 The recognition of certificates by authorities or institutions in this State or elsewhere that specified fittings, systems, or materials—

- (a) have specified qualities, generally or when used for specified purposes or in specified circumstances; or
- (b) comply with specified requirements of the Building Regulations."

RAILWAY MANAGEMENT (EMU BAY RAILWAY EMPLOYEES).

No. 81 of 1968.

AN ACT to make provision with respect to the appointment, and the determination of the seniority, of certain persons transferred to the employment of the Transport Commission from employment with the Emu Bay Railway Company Limited. [24 December 1968.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title
and citation.

1—(1) This Act may be cited as the *Railway Management (Emu Bay Railway Employees) Act 1968*.

(2) The *Railway Management Act 1935*, as subsequently amended, is in this Act referred to as the Principal Act.

Interpretation.

2—(1) In this Act, unless the contrary intention appears—

"the agreement" means the agreement between the Transport Commission and the company with respect to the leasing, operation, and use of the

railway station and certain other lands in the town of Burnie and matters ancillary thereto, being the agreement entered into pursuant to resolutions of both Houses of Parliament passed for the purposes of section forty-six of the Principal Act during the Session of Parliament in which this Act was enacted;

“Board” means the Railway Service Promotions Appeal Board;

“company” means the Emu Bay Railway Company Limited;

“initial appointment”, when used in relation to a transferred employee, means the position to which he is appointed in the Railway Service on being taken into the employment of the Commission pursuant to the agreement;

“transfer date”, in relation to a transferred employee, means the date on which he is taken into the employment of the Commission pursuant to the agreement;

“transferred employee”, means a person who was employed by the company and, pursuant to the agreement, is taken into the employment of the Commission.

(2) Subject to this section, words and expressions used in this Act have the same meaning as they have for the purposes of the Principal Act.

3—(1) In accordance with this Act the Board may, in relation to a transferred employee, determine—

Determinations as to initial appointments and seniority.

(a) the class or grade of the position in the Railway Service that, in the opinion of the Board, most closely corresponds with the position held by that transferred employee in the employment of the company when he ceased to be employed by the company on being taken into the employment of the Commission pursuant to the agreement; and

(b) the length of his period of service in the employment of the company that, in the opinion of the Board, should fairly be reckoned, for the purpose of determining his seniority in relation to other officers in the Railway Service, as service in his initial appointment.

(2) A determination may be made under subsection (1) of this section on an application made, in accordance with section six, by, or in respect of, a transferred employee.

(3) If a determination has not been made under paragraph (b) of subsection (1) of this section in respect of a transferred officer on such an application as is referred to in subsection (2) of this section, the Board shall make such a determination

on an appeal under Division IA of Part VI of the Principal Act by, or in respect of the promotion of, that transferred employee if it is necessary, for the purposes of the determination of the appeal, to take into account the length of his service in his initial appointment or if any party to the appeal requests the determination to be made.

Effect of determinations as to initial appointments.

4—(1) If the position to which a transferred employee was appointed on being taken into the employment of the Commission pursuant to the agreement is of a class or grade different from that determined in relation to him under paragraph (a) of subsection (1) of section three the Commission shall cancel that appointment and appoint him to a position of the class or grade so determined.

(2) An appointment made by the Commission under subsection (1) of this section has effect from the transfer date, and, in relation to the transferred employee in respect of whom it is made, shall be deemed to be his initial appointment.

Effect of determinations as to seniority.

5—(1) Where, in respect of a transferred employee, the Board determines, under paragraph (b) of subsection (1) of section three, the length of the period of service referred to therein that employee shall, in relation to a promotion to which this subsection applies, be deemed to have already completed, on the transfer date, a period of service of that length in his initial appointment; and the length of the period of his service in that appointment that he has completed at any subsequent time shall, in relation to any such promotion, be calculated accordingly.

(2) Subsection (1) of this section applies to any promotion (including a promotion that is provisional only) to which section sixty B of the Principal Act applies that—

- (a) is made to a position at the Burnie Railway Station; or
- (b) is made, after the expiration of a period of three years beginning on the transfer date, to any other position in the Railway Service.

(3) Except as otherwise provided in this section, service in the employment of the company shall be disregarded for the purposes of sub-paragraph (ii) of paragraph (b) of subsection (2) of section sixty B of the Principal Act.

(4) Such a determination as is referred to in subsection (1) of section three made in respect of a transferred employee is binding on the Board, the Commission, the transferred employee and all other officers and employees of the Railway Service, whether or not they were parties to the application or appeal on which the determination was made.

Procedure on applications.

6—(1) Such an application as is referred to in subsection (2) of section three may be made, in accordance with this section—

- (a) by a transferred employee; or

- (b) in respect of a transferred employee, by any other officer or employee in the Railway Service who, at the transfer date, held a position of the same class or grade as that to which the transferred employee was appointed on being taken into the employment of the Commission pursuant to the agreement.

(2) An application to which this section applies shall be made by lodging notice thereof with the chairman of the Board, or the officer appointed by the Board for the purpose of receiving notices of appeal under Division IA of Part VI of the Principal Act, within the period of one month beginning on the transfer date.

(3) Subject to this Act, the provisions of section sixty C of the Principal Act apply to applications to which this section applies as they apply to the appeals referred to in that section; and, for the purposes of that section as so applied—

- (a) the person making the application and the transferred officer to whom it relates shall be deemed to be the parties directly interested in the application;
- (b) those persons and any officer or employee in a position in the Railway Service of the same class or grade as that of the position to which the transferred employee was appointed on being taken into the employment of the Commission pursuant to the agreement, has the same rights as has the appellant under subsection (4) of that section; and
- (c) references in that section to the date of the provisional promotion shall be construed as references to the transfer date.