

GOVERNMENT RAILWAYS.

9° Elizabeth II., No. LV.

No. 55 of 1960.

AN ACT to amend the Government Railways Act, 1904-1959.

[Assented to 2nd December, 1960.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Government Railways Act Amendment Act, 1960.*

Short title
and citation.

(2) In this Act the Government Railways Act, 1904-1959, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Government Railways Act, 1904-1960.

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Reprinted
Acts as
approved
for reprint,
26th October,
1953, and
amended by
Acts Nos. 13
of 1954,
73 of 1954,
61 of 1955,
37 of 1957,
17 of 1958,
38 of 1958
and 8 of
1959.

S. 22
amended.

2. Section twenty-two of the principal Act is amended by substituting for the word, "For" in line one of subparagraph (d) of paragraph (1) the words, "By the consignors or consignees of goods for."

S. 23
amended.

3. Section twenty-three of the principal Act is amended by adding after paragraph (26) the following paragraph:—

(26a) Prescribing the powers, authorities and duties of, and the form of authority to be furnished to, special constables appointed under this Act, and imposing obligations upon persons for the purpose of facilitating the exercise by special constables of such powers; .

S. 24
amended.

4. Section twenty-four of the principal Act is amended—

(a) by substituting for the word, "five" in line three of paragraph (7) the word, "ten"; and

(b) by substituting for the word, "ten" in line two of paragraph (8) the word, "twenty."

S. 25
amended.

5. Section twenty-five of the principal Act is amended by substituting for the words, "shall exceed the sum of ten" in line seven of paragraph (4) the words, "in any one package shall exceed the sum of twenty-five."

S. 26A
added.

6. The principal Act is amended by adding after section twenty-six the following section:—

Special
contracts.

26A. Notwithstanding the provisions of section twenty-two of this Act, the Commission may from time to time make special contracts with any person in relation to fares, charges and conditions with respect to the carriage of any passengers, goods or livestock.

7. Section thirty-four of the principal Act is amended by substituting for the word, "fifty" in the last line of subsection (1) the words, "one hundred."

S. 34
amended.

8. Section forty-one of the principal Act is amended by substituting for the word, "ten" in the fifth last line the word, "twenty."

S. 41
amended.

9. Section forty-two of the principal Act is amended—

S. 42
amended.

- (a) by adding after the word, "crossing" being the last word in paragraph (3) the passage, " , or where warning devices are provided, drives or attempts to drive any vehicle or animal across a level crossing or elsewhere on a railway when those warning devices are operating to indicate that the vehicle or animal should not cross, and an engine or wagon on the railway is approaching the level crossing or other place"; and
- (b) by substituting for the word, "fifty" in the fourth last line the words, "one hundred."

10. Section forty-three of the principal Act is amended by substituting for the word, "ten" in the last line the word, "twenty."

S. 43
amended.

11. Section forty-six of the principal Act is amended—

S. 46
amended.

- (a) by substituting for the passage, "proceed," in the last line of paragraph (5) the passage, "proceed; or";
- (b) by adding after paragraph (5) the following paragraph:—
 - (6) Having travelled on the railway without being in possession of a ticket or free pass for the purpose, leaves or attempts to leave the railway without paying or tendering the proper fare for such travel, ; and

- (c) by substituting for the word, "ten" in the third last line the word, "twenty."

S. 48
amended.

12. Section forty-eight of the principal Act is amended by substituting for the word, "ten" in the last line the word, "twenty."

S. 51
amended.

13. Section fifty-one of the principal Act is amended—

- (a) by inserting after the word, "drunk" in paragraph (a) of subsection (1) the passage, ", or under the influence of intoxicating liquor or of any drug;"; and
- (b) by substituting for the word, "fifty" in the second last line of subsection (2) the words, "one hundred."

S. 73
amended.

14. Section seventy-three of the principal Act is amended—

- (a) by inserting immediately after the section number, "73" in line one the subsection designation, "(1)";
- (b) by inserting after the word, "fine" in line two the passage, ", transfer without payment of transfer expenses";
- (c) by adding after the word, "Crown" in line eight a subsection as follows:—

(2) The Commission may—

- (a) in any case where an officer or servant has for any act or omission been suspended—

- (i) fine;
- (ii) reduce to a lower class or grade;
- (iii) dismiss; or
- (iv) transfer without payment of transfer expenses,

that officer or servant, notwithstanding and in addition to such suspension; and

- (b) in any case where the Commission considers the circumstances warrant, by way of punishment for an act or omission reduce an officer or servant to a lower class or grade and also transfer him without payment of transfer expenses,

but except as provided in this subsection the Commission shall not inflict on any officer or servant more than one form of punishment for the same offence.

Provided nevertheless that if the act or omission is one in respect of which the officer or servant has been punished under section thirty-one or section thirty-two of the Traffic Act, 1919, the Commission may inflict on that officer or servant the punishment referred to in subparagraph (iii), or either or both of the punishments referred to in subparagraphs (ii) and (iv), but not the punishment referred to in subparagraph (i), of paragraph (a) of this subsection. ; and

- (d) by deleting the provisos at the end of the section.

15. Section seventy-four of the principal Act is ^{S. 74} amended—_{amended.}

- (a) by inserting immediately after the section number, "74" in line one the subsection designation, "(1)";
- (b) by inserting after the word, "constables" in line three the words, "who shall not be members of the Police Force but";
- (c) by substituting for the words, "police officer duly appointed" in line seven the words, "duly appointed member of the Police Force";

(d) by adding after the word, "law" in line seven a subsection as follows:—

(2) No matter or thing done or omitted by the Commission or any special constable in good faith in the course of the exercise or purported exercise of any power or authority or in the performance or purported performance of any duty conferred or imposed under the provisions of this section or any by-law made pursuant to paragraph (26a) of section twenty-three of this Act shall render the Crown or the Commission or special constable, as the case may be, subject to any liability in respect thereof. ; and

(e) by deleting the proviso.

S. 76
amended.

16. Section seventy-six of the principal Act is amended by adding after the proviso to paragraph (b) of subsection (4) a further proviso as follows:—

Provided further that the provisions of this paragraph shall not apply to any officer or servant appointed, or whose employment commences, on or after the date of the coming into operation of the Government Railways Act Amendment Act, 1960.
