

GOVERNMENT FERRIES.

23° GEO. V., No. XIV.

No. 14 of 1932.

**AN ACT for the provision, maintenance, and working of
Government Ferries.**

[Assented to 30th November, 1932.]

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

Short title and commencement.

1. This Act may be cited as the *Government Ferries Act, 1932*, and shall come into operation on a day to be fixed by proclamation.

Interpretation.

2. In this Act, subject to the context—

“Commissioner” means the Commissioner of Railways appointed under the *Government Railways Act, 1904*.

“Government” means the Government of Western Australia.

“Government ferries” means—

(a) the ferries hitherto carried on as a State trading concern between Perth and South Perth in the name of the State Ferries under the *State Trading Concerns Act, 1916* (No. 12 of 1917);

(b) all other ferries now the property of the Government and declared by the Governor by Order in Council to be Government ferries within the meaning of this Act;

- (c) all other ferries hereafter provided by the Minister under the provisions of this Act, and includes all boats, ships, gear, equipment, and other effects belonging to the Government and held or used or reputed to be held or used for the purposes of or in connection with a Government ferry; and also all wharves, jetties, landings, structures, and buildings required to be used for the purposes of or in connection with a Government ferry, and which the Governor shall by proclamation declare to be part of such Government ferry.

“Minister” means the Minister for Railways.

3. The Minister may, pursuant to any Order in Council whereby the provision of Government ferries is authorised, provide such Government ferries on waters belonging to the State; and for such purpose, and for the maintenance, repair, alteration, renewal, and working of all Government ferries, and generally for the purposes of this Act, may—

General powers for the provision, maintenance, and working of Government ferries.

- (a) take and acquire land for the purpose of constructing wharves, landings, jetties, buildings, and other structures necessary for any Government ferry;
- (b) construct, erect, repair, renew, alter, and maintain any wharves, landings, jetties, buildings, and other structures necessary for any Government ferry;
- (c) purchase, lease, hire, or otherwise obtain all boats, ships, vessels, gear, equipment, stores, chattels, effects, and things necessary for any Government ferry, and to repair, renew, replace, alter, and maintain the same;
- (d) extend or vary any existing or future Government ferry;
- (e) do any other act, and purchase, lease, hire, or otherwise obtain any other thing which in the opinion of the Minister is necessary for or in connection with the provision, maintenance, and working of a Government ferry.

4. Where any land is required for the purpose of a Government ferry, such land may be taken or acquired under the provisions of the Public Works Act, 1902; and

Land required for a Government ferry may be taken under the Public Works Act, 1902.

for the purposes of this Act the term " Minister " in section eleven of the Public Works Act, 1902, includes the Minister for Railways.

Commissioner to
manage Govern-
ment ferries.

5. The Commissioner shall have the management and control of all existing and future Government ferries, and without limiting the generality of the power hereby conferred, the Commissioner may—

- (a) maintain and work all Government ferries ;
- (b) exercise the powers conferred on the Minister by section three of this Act for the maintenance alteration, renewal, or repair of all Government ferries.

By-laws.

6. (1) The Commissioner may from time to time make alter, and repeal by-laws as to the following matters :—

- (a) prescribing tolls, fares, or charges which may be demanded or taken by the Commissioner from any passenger or in respect of the carriage of goods ;
- (b) regulating the use of Government ferries by passengers and the number of passengers, and the quantity of goods which may be carried on each boat, ship, or vessel used in connection with a Government ferry ;
- (c) prohibiting the committing of any nuisance upon Government ferries ;
- (d) generally for regulating the traffic on Government ferries, and the conduct of all persons employed on or about the same or travelling or being thereon ;

Provided that by-laws made by the Commissioner under paragraphs (b) and (d) hereof shall not be inconsistent with or repugnant to the provisions of the Navigation Act, 1904, the Boat Licensing Act, 1878, the Jetties Act, 1926, or the regulations made thereunder respectively, or to the provisions of any other Act or regulation relating to and operating in connection with waters in which the particular Government ferry is being worked ; and any such by-law which is so inconsistent or repugnant as aforesaid shall, to the extent by which it is so inconsistent or repugnant, be invalid ;

Provided further, that any by-laws made under this section shall extend to and operate over any wharves, jetties, landings, structures, and buildings used or reputed to be used for the purposes of or in connection with a Government ferry, notwithstanding that such wharves, jetties, landings, structures, or buildings have not been proclaimed to be part of a ferry.

(2) Any by-law may impose a penalty not exceeding twenty pounds for the breach thereof.

7. No person shall obstruct any person acting under the authority of the Minister or the Commissioner in providing, maintaining, and working any Government ferry, or damage any Government ferry.

Penalty for interfering with Government ferries.

Penalty: Fifty pounds.

8. No person shall—

(a) while travelling, or, after having travelled on any Government ferry, avoid or attempt to avoid payment of his fare; or

(b) having paid his fare for a certain distance, knowingly and wilfully proceed on any Government ferry beyond such distance, and neglect to pay the additional fare for the additional distance, or attempt to avoid payment thereof; or

(c) knowingly or wilfully refuse or neglect, on arriving at the point to which he has paid his fare, to quit such Government ferry; or

(d) deface any notice placed by the Commissioner on any part of a Government ferry; or

(e) obstruct any person employed on or in connection with any Government ferry in the performance of his duty; or

(f) behave in a violent or offensive manner to the annoyance of others on a Government ferry; or

(g) refuse to leave any particular part of a Government ferry which is not open to the public when required so to do by an employee of the Commissioner.

Penalties for offences relating to fares, etc

Penalty: Two pounds.

Commissioner may interfere summarily.

9. If the breach or non-observance of any by-law is attended with danger or annoyance to the public, or hindrance to the Commissioner in the conduct of his business, the Commissioner or any employee of the Commissioner may summarily interfere to obviate, remove, or stop such danger, annoyance, or hindrance, and that without affecting any penalty incurred by the offender.

Actions by the Commissioner.

10. All actions, suits, claims, and demands of the Crown relating to or arising from the management, maintenance, or control of any Government ferry, may be brought, maintained, and enforced by and in the name of the Commissioner in any court of competent jurisdiction.

Actions against the Commissioner.

11. All actions, suits, claims, and demands against the Crown relating to or arising from the management, maintenance, or control of any Government ferry shall be brought, maintained, and enforced against the Commissioner and not otherwise; and, subject to the limitations and provisions of this Act, the Commissioner may be sued in respect thereof in any court of competent jurisdiction.

Notice and commencement of action.

12. (1) No action shall be maintainable against the Commissioner for any cause, unless the action is commenced within six months after its cause shall have arisen.

(2) No such action shall be commenced until one month after a notice in writing is given to the Commissioner stating the cause of action and the name and address of the party about to sue.

Plaintiffs in actions for personal injuries to submit to examination.

13. No action shall lie or be brought or continued against the Commissioner in respect of any injury to the person, unless the person injured submits himself to examination by a medical practitioner or medical practitioners appointed by the Commissioner, at all such reasonable times as the Commissioner may require.

Limit of liability.

14. No damages exceeding two thousand pounds shall be recoverable in any action against the Commissioner in respect of loss of life or injury to the person, whether in the case of a passenger or not.

Receipts and expenditure.

15. (1) All moneys received by way of rents, tolls, fares, freights, carriage, or otherwise accruing from a Government ferry shall be paid into the Public Account,

and, except as otherwise provided, form part of the Consolidated Revenue Fund: Provided that the Commissioner may at the end of each financial year deduct from the moneys aforesaid such amount (not exceeding five per centum) as he shall deem it reasonable to deduct for depreciation of the assets and property used for the purposes of this Act, and such amount shall be paid to the Treasurer and used to reduce the liability on capital account of the Commissioner to the State Government in respect of Government Ferries.

(2) All expenditure incurred in the provision, maintenance, alteration, repair, and management of Government ferries, all costs of administration, all contributions to funds for the replacement of depreciating property, and to reserve funds, and all interest, instalments of principal, or contributions to sinking funds in respect of borrowed money shall be defrayed out of moneys to be appropriated by Parliament for the purposes of this Act.

(3) This section shall be read together with the State Trading Concerns Act Amendment Act (No. 2), 1932.

16. (1) All boats, ships, vessels, gear, equipment, stores, effects, and things which have been charged to a vote of Parliament appropriated to the Government ferries, and which are no longer required for the purpose for which the same were obtained, may be taken over, valued, and placed in the Government Ferries Suspense Stock by the Comptroller of Stores, and the amount of such valuation shall be credited in the books of the Treasury to the Government Ferries Stores Adjustment Account, and the amount so credited shall be transferred to the credit of expenditure under the Consolidated Revenue Fund, or, with the concurrence of the Commissioner, to the credit of any head of expenditure.

Disposal of surplus stock

(2) This section shall be read together with the State Trading Concerns Act Amendment Act (No. 2), 1932.

17. (1) The Commissioner shall, once in every three months, cause to be prepared a quarterly Government Ferries Working Account, showing the total gross receipts accruing from the Government ferries during the period covered by the account and the total expenditure upon the working, management, and maintenance during the same period.

Quarterly ferries working account.

(2) Such account shall also show the gross cost of the provision of the Government ferries, including the cost of the acquisition of land, the construction and erection of wharves, landings, jetties, buildings, and other structures, and the cost incurred in the purchase of boats, ships, vessels, gear, and equipment, and of all incidental expenditure.

(3) All such accounts shall be published in the *Government Gazette* and shall be laid before Parliament.

Employees.

18. All employees on Government ferries under the management and control of the Commissioner shall be employees in the Department of Government Railways, which is hereby extended to include all such Government ferries.

Exemption from rates.

19. No rate, tax, or assessment shall be made, charged, or levied on any Government ferry.

Commissioner subject to provisions of certain other Acts and regulations.

20. In the management, control, and working of all Government ferries, the Commissioner shall be subject to the provisions of, and have the same duties and obligations as are imposed upon private persons by the Navigation Act, 1904, the Boat Licensing Act, 1878, the Jetties Act, 1926, and the regulations made thereunder respectively, and any other Act and regulations relating to and operating in connection with waters in which Government ferries are being worked: Provided that this section and any Act or regulation aforesaid shall not apply so as to limit, restrict, or otherwise affect the right of the Commissioner to make by-laws prescribing tolls, fares, or charges which may be demanded or taken by the Commissioner from any passenger, or in respect of the carriage of goods at such rates or in such amounts and upon and subject to such conditions as the Commissioner may think fit.