

WESTERN AUSTRALIA

GOVERNMENT RAILWAYS AMENDMENT ACT

No. 16 of 1987

AN ACT to amend the *Government Railways Act 1904*.

[Assented to 25 June 1987]

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:—

Short title

1. This Act may be cited as the *Government Railways Amendment Act 1987*.

Principal Act

2. In this Act the *Government Railways Act 1904** is referred to as the principal Act.

[*Reprinted as approved 27 October 1982 and amended by Acts Nos. 54 and 98 of 1985.]

Commencement

3. This Act shall come into operation on the day on which it receives the Royal Assent.

Long title amended

4. The long title to the principal Act is amended by inserting after “**Government Railways**” the following—

“ **and for connected purposes** ”.

Section 1 repealed and a section substituted

5. Section 1 of the principal Act is repealed and the following section is substituted—

Short title

“ 1. This Act may be cited as the *Government Railways Act 1904.* ”.

Section 2 amended

6. Section 2 of the principal Act is amended in the definition commencing “**Railway**”—

(a) by deleting the colon at the end of paragraph (2) and substituting a comma; and

(b) by inserting after paragraph (2) the following—

“ except that it does not include any railway or portion of a railway that is for the time being declared under section 66A not to be a Government railway for the purposes of this Act: ”.

Heading to Part V deleted and a heading substituted

7. The heading to Part V of the principal Act is deleted and the following heading is substituted—

“ PART V—AGREEMENTS CONCERNING RAILWAY
PROPERTY ”.

Sections 66A and 66B inserted

8. After section 66 of the principal Act the following sections are inserted—

Tourist railways

“ 66A. (1) Where a railway or portion of a railway is no longer required for use by the Commission, the Governor may, by order published in the *Government Gazette*—

- (a) declare that the railway or portion of a railway, as the case may be, is not, while the order remains in force, a Government railway for the purposes of this Act; and
- (b) subject to such conditions as are specified in the order, grant to any person the right, while the order is in force, to occupy that railway or portion of a railway for a tourist railway, and to manage, operate and maintain a tourist railway service thereon.

(2) An order under subsection (1) shall include a condition that the tourist railway service is not to be operated unless, under the authority of the Commission, a certificate has been given, within such period as is specified in the order, to the effect that safe and satisfactory work systems have been adopted for the operation of the service.

(3) The Commission is not subject to any action, liability, claim, or demand in respect of a certificate given under subsection (2).

(4) The Governor may, by a subsequent order published in the *Government Gazette*—

- (a) vary an order under subsection (1) with the consent of any person whose rights under the order are affected;
- (b) revoke an order under subsection (1) in such circumstances, if any, as are specified in the order.

Regulations relating to tourist railways

66B. (1) Regulations under this Act may make provision—

- (a) relating to level crossings on tourist railways;
- (b) as to any matter or thing concerning the safe operation of a tourist railway;
- (c) conferring on the person operating a tourist railway any power in relation to the tourist railway that the Commission has in relation to a Government railway;
- (d) imposing on the person operating a tourist railway any duty or other obligation in relation to the tourist railway that the Commission has in relation to a Government railway.

(2) Without limiting the application of the *Interpretation Act 1984*, regulations may make different provision for different tourist railways. ”.
