

## GOVERNMENT RAILWAYS.

No. 47 of 1977.

**AN ACT to amend the Government Railways Act,  
1904-1976.**

*[Assented to 18th November, 1977.]*

**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, 1977.*

Short title  
and citation.

(2) In this Act the Government Railways Act, 1904-1976 is referred to as the principal Act.

Approved for  
reprint 12th  
June, 1973  
amended by  
Acts Nos. 94  
of 1972 (as  
amended by  
Act No. 19  
of 1973), 94  
of 1973, 66  
of 1975, 73  
of 1975 and  
27 of 1976.

(3) The principal Act as amended by this Act may be cited as the Government Railways Act, 1904-1977.

Section 8A  
added.

2. The principal Act is amended by adding after section 8 the following section—

Commission  
may join any  
body formed  
for the  
improvement  
of railways.

8A. (1) Subject to this Act and to the prior approval of the Minister, the Commission may—

(a) become a member of or shareholder in; and

(b) contribute funds to,

any body whether incorporated or not (in this section referred to as “the body”) which

(c) has its principal office within the Commonwealth; and

(d) has among its principal objects the improvement of railway systems within the Commonwealth.

(2) The Commission may by instrument in writing authorise the Commissioner and any officer of the Commission to represent the Commission or hold office on the body but any authorisation given under this subsection is revocable at the will of the Commission.

(3) Subject to the Minister, the Commission may—

(a) take part in any activities of the body;

(b) carry out any function, investigation and research for or on behalf of the body either alone or in association with any other person appointed by the body; and

(c) contribute to the cost of any activity carried on by the body or by any person on its behalf.

3. Section 23 of the principal Act is amended— Section 23  
amended.

(a) by adding after the section designation "23." the subsection designation "(1)";

(b) by adding immediately after paragraph (23b) the following paragraph—

(23c) Subject to subsection (2) of this section, for authorising persons appointed by the Commission to remove into custody any vehicle left on a railway for a period in excess of seven days, for authorising persons appointed by the Commission to use such force as is necessary to enter a vehicle so left for the purpose of removing it, for providing for the custody of vehicles so removed, for prescribing a scale of charges to be paid by the owner of such vehicle in order to recover the vehicle from custody, for providing that where such a vehicle is not recovered from custody within a period of two months the Commission may sell or otherwise dispose of the vehicle, for providing that the proceeds of the sale of such a vehicle may be applied towards recouping the costs of removal, custody and sale of the vehicle, for providing that the costs of the removal, custody and disposal of such a vehicle (less the proceeds of its sale, if any) may be recovered from the owner of the vehicle in a court of competent jurisdiction, and for providing that where the proceeds of the sale of such vehicle exceed the costs of its removal, custody and sale the amount of the excess shall be paid to the owner of the vehicle, or where the identity or whereabouts of the owner is unknown, placed into the Miscellaneous Revenue Account of the Commission. ; and

(c) by adding a subsection as follows—

(2) Regulations made pursuant to paragraph (23c) of subsection (1) of this section shall provide that any vehicle removed pursuant to regulations made under that paragraph shall not be sold unless and until—

(a) enquiries have been made as to the ownership of the vehicle; and

(b) the owner has been notified in the prescribed manner of the Commission's intention to sell the vehicle and where the owner cannot be so notified notice of the Commission's intention to sell the vehicle has been published in a daily newspaper circulating throughout the State. .

Section 76  
amended.

4. Section 76 of the principal Act is amended by deleting the words "Death Benefit and" where occurring in—

(a) line ten of subsection (1);

(b) line eight of subsection (5);

(c) lines three and four of subsection (6).

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