

GOVERNMENT RAILWAYS.

No. 73 of 1975.

AN ACT to amend the Government Railways Act,
1904-1973.

[Assented to 14th November, 1975.]

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, 1975*.

Short title
and citation.

(2) In this Act the Government Railways Act, 1904-1973 is referred to as the principal Act.

Reprinted
as approved
for reprint
12th June,
1973 and
amended by
Acts Nos. 19
and 94 of
1973.

(3) The principal Act as amended by this Act may be cited as the Government Railways Act, 1904-1975.

Section 23
amended.

2. Section 23 of the principal Act is amended—

(a) by adding after paragraph (23) paragraphs as follows—

(23a) Providing for areas on land which is or is reputed to be held or used in connection with or for the purpose of a railway, or which is vested in the Minister, to be set aside as vehicle parking or standing areas for use by—

- (a) officers and servants of the Department or Commission;
- (b) persons on railway business;
- (c) the public generally; or
- (d) such persons or vehicles or classes of persons or classes of vehicles as may be prescribed;

(23b) Generally regulating the control, supervision and management of parking or standing areas set aside under by-laws made pursuant to paragraph (23a) of this section and in particular—

- (a) prescribing charges payable by any person using, or in respect of any vehicle occupying a parking or standing area and exempting any person or vehicle or class of person or class of vehicle from paying all or any of those charges;
- (b) prescribing conditions under which and the period or periods of time during which a parking or standing area may be used or occupied;

- (c) providing for the protection of parking and standing areas and all equipment pertaining to them against misuse, damage, interference or attempted interference by any person;
- (d) regulating the parking and standing of vehicles in any parking or standing area and prohibiting any person from parking or standing any vehicle in a parking or standing area otherwise than in accordance with the by-laws;
- (e) exempting any person or vehicle or class of person or class of vehicle from complying with any by-law made pursuant to this paragraph prohibiting or restricting the parking or standing of vehicles generally or otherwise;
- (f) prescribing the method and the means by which any charges or penalties prescribed by any by-law made pursuant to this paragraph may or shall be paid and collected, or recovered;
- (g) prescribing the circumstances under which an officer or servant of the Department or Commission may remove a vehicle, or cause it to be removed, from a parking or standing area to a specified place, prescribing his further powers in relation thereto, prescrib-

ing the scale of charges to be paid to recover the vehicle from that place, and authorising the Commission to hold the vehicle until the prescribed charges are paid;

- (h) prescribing, in respect of an alleged offence against any by-law made pursuant to this paragraph, the circumstances under which the owner of the vehicle is deemed to be the driver or person in charge of the vehicle at the time of the alleged offence;
- (i) prescribing the period of time within which a person, after being served with notice of an offence alleged to have been committed by him against any by-law made pursuant to this paragraph, may or shall pay to the Commission the penalty or modified penalty prescribed for that offence, and the period within which a penalty is payable after receipt of notice;
- (j) prescribing the method of notifying a person alleged to have committed an offence against any by-law made pursuant to this paragraph of that alleged offence and how it may or shall be dealt with and prohibiting the removal by any person other than the driver of a vehicle in respect of which an offence against such a by-law is alleged to have

been committed of any notice relating to the offence affixed to the vehicle or left in or on the vehicle by an officer or servant of the Department or Commission; and

- (k) prescribing a modified penalty or modified penalties payable to the Commission by a person or one of a class of persons who does not contest an allegation that he committed any specified offence against a by-law made pursuant to this paragraph and providing that the due payment of a modified penalty is a defence to a charge of the offence in respect of which that modified penalty was paid; ;

and

- (b) by adding after the word "subjects" in the last line of the proviso to the section the passage ", and may provide that any act or thing shall be done with the approval or to the satisfaction of a specified person or class of persons and may confer a discretionary authority".
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