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Western Australian Government Railways.

NOTICE AS TO PENALTIES.

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BY-LAWS.

*Commissioner's Office,*

*Perth, 14th February, 1905.*

THE Commissioner of Railways doth hereby notify, publish, and declare that the following are the particulars of the several offences for which penalties are imposed by "The Government Railways Act, 1904" (3 Edward VII., No. 38, No. 23 of 1904), or by By-laws of the Commissioner affecting other persons than the Railway Officers or Servants, and of the nature and amount of such penalties.

**WM. J. GEORGE,**  
Commissioner of Railways.

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*Penalties imposed by the Government Railways Act, 1904.*

SEC. 29. (1.) If any person makes a false statement as to the nature, quantity, weight, measurement, or value of any goods delivered upon a railway in any consignment note, way-bill, or other document which, under this Act, he is required to deliver in respect to such goods, he shall be liable to a penalty not exceeding Fifty pounds.

(2.) If in any such document there is any under-statement of the quantity, weight, measurement, or value of the goods, or any misdescription of their nature, the effect whereof, if undetected, might lead to their being charged for at less than the proper rate, then, in lieu of charges at the ordinary rate, and irrespective of any person's liability under the last preceding subsection hereof, and whether the under-statement or misdescription is wilful or not, charges at a special rate, not exceeding double the ordinary rate, shall be payable in respect of the goods.

SEC. 34. (1.) No person shall have any right to carry or send by a railway any loaded firearm or other dangerous thing, or any goods which are, or by any By-law are declared to be, of a dangerous nature.

If any person sends or attempts to send by a railway, or carries or deposits, or permits to be carried or deposited on any railway any loaded firearm or dangerous thing, or any package containing such goods, without the consent in writing of an officer authorised to receive such goods, and without distinctly marking the contents on the outside of such package, that person shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years, or to a penalty not exceeding Fifty pounds.

(2.) The Commissioner and his officers may refuse to take any parcel which he or they may suspect to contain goods of a dangerous nature, or may require any parcel to be opened, so that the nature of the contents may be ascertained.

SEC. 41. If any person, not having lawful authority or the written permission of the Commissioner, does or causes or procures to be done any of the following things:—

- (1.) Encroaches on a railway by making any building, fence, ditch, or other obstacle thereon;
- (2.) Digs up, removes, or alters in any way the soil or surface of a railway;
- (3.) Fills up, diverts, alters, or obstructs any ditch, drain, or watercourse directly carrying water off a railway, or made to protect the same; or does any act whereby any ditch, drain, or watercourse is stopped, or the natural flow of water therein is obstructed;
- (4.) Interferes with or diverts or digs any drain or ditch or watercourse so as to damage or injure a railway; or
- (5.) Fells or removes any tree, shrub, or timber growing on a railway,

he shall, in respect of each offence, be liable to a penalty not exceeding Ten pounds for every day upon which such offence is committed or suffered to continue, and a further sum equal to the cost incurred in removing any such encroachment or obstruction, or in repairing any injury.

SEC. 42. If any person does or causes or procures to be done any of the following things:—

- (1.) Unlawfully throws or puts any stone, gravel, or timber, or any substance, whether solid or liquid, or any other matter or thing on a railway;
- (2.) Does any act which obstructs or might obstruct the working of a railway, or endangers or might endanger the lives of persons travelling thereon;
- (3.) Drives or attempts to drive any vehicle or animal across a level crossing or elsewhere on a railway when an engine or any carriage or wagon on the railway is approaching and within a quarter of a mile from such crossing;
- (4.) Places any rolling stock or appliance on a railway, not having lawful authority to do so;
- (5.) Moves any part of the rolling stock or appliances on a railway, or leaves the same on any part of the railway, not having lawful authority so to do;
- (6.) Moves or in any way interferes with any signal, points, or stop-blocks, or shows any signal likely to mislead;
- (7.) Removes from a railway or the railway premises any rolling stock, tarpaulins, tools, appliances, or property of any kind, or permits any of such rolling stock, tarpaulins, tools, or appliances, or property to be unlawfully in his possession or on his premises;
- (8.) Cuts down, breaks, removes, or destroys any fence, building, or bridge, or any telegraph wire or post in or upon any railway;
- (9.) Attempts to do, or assists or aids in doing, any of the things mentioned in this section;

he shall, in respect of each offence, be liable to imprisonment, with or without hard labour, for any period not exceeding six months, or to a penalty not exceeding Fifty pounds, without in any way relieving him from any other liability to which he may be subject apart from this section, so that he is not twice punished for the same offence.

SEC. 43.—If any person does or causes or procures to be done any of the following things :—

- (1.) Obstructs any officer or servant employed on any railway in the performance of his duty ;
- (2.) Damages any railway, or any locomotive, carriage, wagon, rolling-stock, machinery, material, or thing used upon or belonging to any railway ;
- (3.) Defaces the writing or printing on or attached to any board, or any notice authorised to be maintained on any railway, or on or in any railway carriage, rolling-stock, or railway station ;
- (4.) Writes any indecent words or draws any indecent or obscene picture or representation on any part of a railway, or on any railway carriage or rolling-stock, or on any fences or buildings upon or adjoining any railway, or near to and conspicuous from any railway ;
- (5.) Behaves in a violent or offensive manner to the annoyance of others, or is drunk on any railway or railway premises or in any carriage thereon,

he shall, in respect of each offence, be liable to imprisonment, with or without hard labour, for any period not exceeding two months, or to a penalty not exceeding Ten pounds.

SEC. 44.—Any passenger who—

- (1.) Fails to produce a proper ticket and refuses to pay his proper fare on demand ; or
- (2.) Travels in a railway carriage of a class superior to that for which he is provided with a ticket, and refuses to pay the fare for the superior class on demand ; or
- (3.) Travels in or enters a railway carriage set apart for any particular person or class of persons, and refuses to quit the carriage when requested to do so ; or
- (4.) Not having a sleeping car ticket, refuses to quit a sleeping carriage when requested to do so,

may be removed from a railway carriage by any officer or servant of the Department, and prosecuted for such penalty as he may have incurred under this Act or the by-laws.

SEC. 45.—If any person,—

- (1.) Alters any ticket with intent to avoid payment of the proper fare or any part thereof, or to mislead or deceive, or for the purpose of sale ; or
- (2.) Sells or transfers, or offers for sale or transfer, any free pass, or permits any person other than the person to whom the same is issued to be in possession of or make use of the same, or travels or attempts to travel with any such free pass, not being the person entitled to use the same ; or
- (3.) Sells or transfers, or offers for sale or transfer, a ticket, or any portion of a ticket, which has been used for the whole or any part of the journey for which the ticket was issued, or travels or attempts to travel with any such ticket or portion of a ticket sold or transferred by any person ; or
- (4.) Sells or offers for sale any ticket, or any portion of a ticket, not being a person authorised or employed by the Commissioner for such purpose, or purchases or offers to purchase any ticket, or any portion of a ticket, from any person not employed by the Commissioner for such purpose ;

he shall, in respect of each offence, be liable to imprisonment, with or without hard labour, for any period not exceeding six months, or to a penalty not exceeding Fifty pounds.

SEC. 46.—If any person, with or without intent to defraud,—

- (1.) Uses or attempts to use any ticket or free pass the time for the proper use of which has expired, or which has already been used to the full extent to which the holder is entitled to use it ; or
- (2.) Not being the holder of a free pass for the purpose, travels, or attempts to travel, without having previously paid or tendered his fare ; or
- (3.) Having paid his fare for a certain distance, or being the holder of a free pass for a certain distance, proceeds beyond such distance without having previously paid the additional fare for the additional distance, or, in the case of the holder of a free pass, without being previously duly authorised to proceed such additional distance without paying such additional fare ;  
or
- (4.) Having paid his fare, or being the holder of a free pass for a certain class of carriage, travels by a superior class of carriage without paying or tendering the difference in fare ; or
- (5.) Refuses or neglects to quit the carriage at the point to which he has paid his fare, or to which his free pass is available, or to which, being the holder of a free pass he has been duly authorised to proceed,

he shall, in respect of each offence, be liable to a penalty not exceeding Ten pounds, in addition to the amount due as railway fare, or difference in railway fare.

SEC. 47. In the preceding sections the term "free pass" includes any token or privilege pass or requisition form for the same respectively.

SEC. 48. If any person does or causes or procures to be done any of the following things:—

- (1.) Affixes any placard or bill on any part of the buildings or fences upon or connected with any railway, or sells or attempts to sell any articles on any railway, without being thereto authorised by the Commissioner;
- (2.) Neglects to shut any gate or slip-panel in any fence forming the boundary of or upon or adjoining any railway;
- (3.) Trespasses upon any part of a railway not being a station, platform, or railway crossing, or other part to which the public are allowed access by law,

he shall, in respect of each offence, be liable to a penalty not exceeding Ten pounds.

SEC. 49. If any person—

- (1.) Trespasses upon a railway; or
- (2.) Is drunk, or behaves in a violent or offensive manner to the annoyance of others on the railway, or at any station or platform thereof, or in any carriage thereon; or
- (3.) Does or attempts to do, or counsels, aids, or assists another person to do, anything which may endanger the lives of persons employed on or travelling on the railway; or
- (4.) Offends against any of the provisions of this Act or any by-law, and refuses to give his name and address when required so to do, or gives a false name or address,

it shall be lawful for any police officer or constable, or any officer or servant of the department, without warrant or other authority, to arrest and detain the person so offending, and to take him before Justices of the Peace to be dealt with as the law directs.

SEC. 50. When the breach of any provision of this Act or of any by-law is attended with any danger or annoyance to the public or any person, any officer or servant of the department may summarily interfere to obviate or remove such danger or annoyance, or the person causing the same, without prejudice to any proceeding against the offender for any penalty to which he may be liable.

SEC. 51. (1.) If any person employed upon a railway—

- (a.) Is found drunk while on duty; or
- (b.) Is guilty of any breach or neglect of duty which has caused or might have caused personal injury to any person, or whereby the passage of any locomotive, carriage, wagon, or train has been or might have been obstructed or impeded,

any other person employed upon the railway, and all such persons as he may call to his assistance, may seize and detain such person so offending, or any person counselling, aiding, or assisting in such offence, and convey him before any two or more Justices of the Peace, without any other warrant or authority than this Act, to be dealt with according to law.

(2.) Every person so offending, and every person counselling, aiding, or assisting therein shall, upon summary conviction, be liable to imprisonment, with or without hard labour, for any period not exceeding six months, or to a penalty not exceeding Fifty pounds.

SEC. 81. Any offence against this Act, and any breach of any of the provisions thereof, or of any by-laws thereunder, may be heard and determined summarily, on the complaint of any person, by any two or more Justices of the Peace in the manner provided by "The Justices Act, 1902," and all penalties or other moneys recovered shall be paid to the Commissioner.

#### BY-LAWS AND NOTICES AND PENALTIES IMPOSED BY THE BY-LAWS.

THE Commissioner of Railways does hereby notify and declare that he has made the following By-laws, and that the same have been approved of by the Governor in Executive Council, and are the By-laws for regulating the use of the Government Railways, to be observed henceforth by all parties; and the Commissioner hereby gives notice of all matters hereinafter mentioned; and the By-laws previously in force regulating the matters provided for and dealt with in the following By-laws are hereby cancelled:—

#### BY-LAWS.

*Tickets only to be used between stations named thereon and by proper trains.*

1. Tickets, whether single or return, shall be used by passengers only upon the journey between the stations named thereon, or to a station between those named upon the ticket. Workmen's Weekly Tickets and Cheap Excursion Tickets are not available for any other train than that for which they may have been issued. If the holder of a

Workman's Weekly Ticket leaves a train on the forward journey at any station before the destination shown on such ticket, he shall not continue his journey to such destination without paying the ordinary fare from the place at which he resumes such journey. A Cheap Excursion Ticket is not available for any other station than that shown upon it. Any person using or attempting to use a ticket in violation of this By-law shall be liable on conviction to a penalty.

*Ordinary Return Tickets.*

2. Ordinary return tickets are issued at any time, available for return as follows :—

For distances not exceeding 20 miles—seven days (day of issue is counted one day).

For distances over 20 miles—six months.

Holiday Excursion, Cheap Excursion, and Special Cheap Excursion tickets are only available for limited periods, as specified at time of issue.

All persons using, or attempting to use, return tickets otherwise than in accordance with this By-law shall, on conviction, be liable to a penalty.

*Defaced Tickets not to be recognised.*

3. No ticket will be recognised unless the number, date, and names of stations printed on such ticket shall be perfectly legible. The holder of any ticket defaced, mutilated, or altered, or illegible in any of the above particulars, will be regarded as not having paid his fare, and shall be liable to pay the same, and shall, on conviction, be liable to a penalty in addition to the amount of the fare.

*Both Halves of Return Tickets to be produced on Outward Journey.*

4. Any servant of the Commissioner may require any passenger travelling on the outward half of a return ticket to produce the return half; and failing such production, the passenger shall, on conviction, be liable to a penalty.

*Joining a Train without a Ticket.*

5. Any person joining any train at any booking station without having previously provided himself with a ticket shall, on demand by any railway official, pay sixpence in addition to the ordinary fare, and if such demand be not complied with, the person so refusing or neglecting to comply shall, on conviction, be liable to a penalty in addition to the said sum of sixpence.

*Press Tickets—Irregular use of.*

6. Press tickets are issued solely to persons wholly and permanently employed by the proprietors of a "registered" newspaper, and travelling for the purpose of reporting; and any person, not being duly entitled thereto, who shall travel or attempt to travel on such a ticket, or who shall directly or indirectly aid or abet any person so travelling or attempting to travel shall, on conviction, be liable to a penalty in addition to paying the full ordinary adult fare for the journey which he has made, or is making or is about to make or attempt to make.

*Opening Carriage Doors or getting through Windows.*

7. Any person, not being an officer of the Commissioner, who lets himself in or out of any railway carriage by getting through a window, or who opens a locked railway carriage door with a key or other instrument, for the purpose of entering or leaving the carriage at any railway station, or at any time during the journey, or who enters or leaves a carriage elsewhere than at the side of the carriage adjoining the platform at which the carriage is standing, or other place appointed by the Commissioner for passengers to enter or leave a carriage, shall, on conviction, be liable to a penalty.

*Travelling outside; joining or leaving a train in motion.*

8. No person, other than an officer of the Commissioner, shall travel on the roof, steps, footboard, or outside platform of any railway carriage, or on the engine or any portion of a carriage not intended for the accommodation of passengers, or shall get upon or into or quit any carriage when the train is in motion, and any person doing so, or attempting to do so, shall, on conviction, be liable to a penalty.

*Smoking in carriages, etc.*

9. Any person who smokes tobacco in or upon any railway carriage other than that specially set apart for the purpose, and who persists in smoking after being required by any passenger or by any officer of the Commissioner to desist; and any person who smokes opium or other substance than tobacco on railway premises, whether in smoking carriage or not, may be summarily removed therefrom by any officer of the Commissioner, and shall in addition be liable, on conviction, to a penalty.

*Full fare passengers only to travel in smoking compartments.*

10. Every person under the age of 21 travelling or being in any compartment of any carriage set apart for smoking shall pay the full ordinary adult fare for the time being in force for the journey which he shall be making or about to make at the time he commits a breach of this By-law, notwithstanding the production of any certificate purporting to authorise him to travel at a fare less than such ordinary adult fare, or of any ticket or pass issued to him by reason of such a certificate.

*Smoking on railway premises prohibited.*

11. Any person who smokes tobacco in or upon any railway premises on which a notice is exhibited that smoking is prohibited, and who persists in smoking after being warned to desist by any officer of the Commissioner, may be removed from such premises by any officer, and shall, on conviction, be liable to a penalty.

*Persons with infectious disorders.*

12. The Commissioner may refuse to carry any person who has any infectious or contagious disorder. If any person has, or may reasonably be supposed to have, any such disorder is found upon the railway premises, or travels or attempts to travel on the railway, without the special permission of the Commissioner, he shall, on conviction, be liable to a penalty, and, in addition, shall forfeit any fare which he may have paid, and he may be removed at the first opportunity from the railway premises. Any person who has charge of any person suffering from an infectious or contagious disorder while on the premises of the Commissioner, or travelling or attempting to travel on the railway, or who aids or assists any person suffering from such disorder in being upon the railway premises, or travelling or attempting to travel on the railway, shall on conviction be liable to a penalty, unless the person suffering from such disorder be travelling with the special permission of the Commissioner.

*Communications between passengers and railway servants forbidden without sufficient reason.*

13. No person shall make use of the means of communication between the passengers and the railway servants in charge of a train, or apply any brake without reasonable and sufficient cause. Any person offending against this By-law shall, on conviction, be liable to a penalty.

*Carriages not to be overcrowded.*

14. No person shall enter or remain in any carriage, or compartment of a carriage, containing the full number of persons which it is constructed to convey, except with the consent of the persons in such carriage or compartment, and any person who shall have entered or be in a carriage or compartment under such circumstances without such consent, and shall refuse or neglect to go out immediately upon being requested by the Guard or other officer of the railway to do so, may be summarily removed therefrom, and shall, on conviction, be liable to a penalty.

*Taking possession of seat in carriage.*

15. It shall not be lawful for any passenger to take possession of the seat in a railway carriage of any other passenger who has been occupying such seat, and who has temporarily left the carriage for refreshments or other purposes. Any person so offending, and refusing to give up the seat to the previous occupant, may be removed therefrom, and from the carriage or compartment or train or any railway premises by any officer of the Commissioner, and shall in addition be liable, on conviction, to a penalty.

*Placing feet or boots on carriage seat, etc.*

16. No person shall place either of his feet or his boots upon the seat of any railway carriage so as to soil or injure, or be likely to soil or injure the same, or the cushion or covering thereof, or to cause inconvenience or annoyance to any passenger. All persons acting in contravention of this By-law shall be liable to a penalty on conviction, and in addition may be summarily removed from the train and railway premises by any railway servant.

*Male passengers not to enter waiting rooms or carriages set apart for females.*

17. No male passenger is allowed to enter any waiting room or carriage set apart for the accommodation of females; and any person remaining in such room or carriage after being warned to leave the same may be summarily removed therefrom, and shall be liable to a penalty on conviction.

*Conveyance of Dogs.*

18. Dogs will be conveyed and charged for according to printed conditions, but will not on any account be allowed to accompany passengers in the carriages. No person shall take a dog into a passenger carriage. All persons offending against this By-law shall be liable to a penalty on conviction.

*Gratuities to Railway Servants forbidden.*

19. No railway servant shall receive any gratuity, on pain of dismissal; and no person shall give or offer a gratuity to any such servant.

*Drivers of Vehicles to be provided with written license.*

20. No driver or conductor of a hackney carriage, omnibus, or other public vehicle shall ply for hire within or from railway premises without a license, in writing, from the Commissioner. Any such driver or conductor acting, or attempting to act, in contravention of this By-law may be summarily removed by any railway servant from the railway premises, and, in addition, shall, on conviction, be liable to a penalty.

*Drivers and Conductors of Vehicles under the direction of railway servants.*

21. Every driver or conductor of an omnibus, cab, carriage, or other vehicle shall, while in or upon any station, yard, or other premises of the railway department, obey the directions of the railway officers and employees duly authorised on that behalf; and every person offending against this regulation may be summarily removed from such station, yard, or premises, and shall be liable to a penalty on conviction.

*Unauthorised persons soliciting custom.*

22. No person shall come upon any railway premises for the purpose of removing any passenger or luggage, unless required by a passenger and engaged by him for that purpose; and no person shall come upon any railway premises for the purpose of soliciting custom or hire. Any person attempting to evade, or being guilty of a breach of this regulation, or not quitting the premises when required by a station-master or other railway servant, may be summarily removed therefrom, and shall be liable to a penalty on conviction.

*Polluting Water in reservoir, etc.*

23. No person shall wash, bath, or swim, or otherwise pollute the water in any reservoir or tank belonging to the railway, nor shall any unauthorised person draw water therefrom. All persons offending against this By-law shall be liable, on conviction, to a penalty.

*Loitering on Railway Premises.*

24. No person having travelled on the railway shall be entitled to remain on any railway station or premises for more than thirty minutes after the arrival at such station or premises of the train by which he travelled; and no person intending to travel on the railway shall be entitled to remain on any railway station or premises for more than one hour prior to the advertised time of departure of the train next proceeding to the station to which such person has booked to travel.

At junction stations, passengers travelling from one line to another may remain on such stations until the departure of the next connecting train, provided such train is timed to depart within two hours of the time of arrival of such passengers at the junction stations.

Platform tickets shall entitle persons to remain on the railway for thirty minutes only.

Any person refusing or neglecting to quit the railway premises after the expiration of the time specified in this By-law, when required by any railway officer or servant so to do shall, on conviction, be liable to a penalty, and shall also be liable to be summarily removed from the railway premises by any railway servant.

*Persons to leave Railway Premises when required to do so.*

25. Any person not being an intending passenger, and in possession of a ticket, who does not leave any railway carriage, train, or premises when required to do so by the proper officer, may be removed therefrom by any officer of the Commissioner, and shall be liable to a penalty on conviction.

*Expectorating on Station Premises or Rolling Stock.*

26. Persons must not expectorate upon the floor or any part of any railway carriage, railway platform, or shed. Offenders against this By-law shall be liable to be summarily removed from any railway carriage, train, or premises, and in addition, on conviction, to a penalty.

*Persons crossing at unauthorised places.*

27. Any person crossing or attempting to cross any railway elsewhere than at an authorised crossing place, or crossing or attempting to cross a railway at an authorised crossing place when warned not to do so, shall, on conviction, be liable to a penalty.

28. Any person on foot (excepting persons in charge of vehicles or live stock) crossing or attempting to cross a railway on a level, at a station, or any other place where an over-bridge or subway is provided shall, on conviction, be liable to a penalty.

*Allowing Animals to stray on Railway Premises or Lands.*

29. Any person or persons wilfully driving over or negligently allowing any cattle, horses, sheep, or other animals to stray on any railway or any railway lands or premises shall, on conviction, be liable to a penalty, and the Commissioner will not, under any circumstances, be liable to make or grant compensation to the owner or owners of any such cattle, horses, sheep, or other animals killed or injured by engines or rolling stock.

*Penalty for breach of By-laws.*

30. Any person who shall commit a breach of any of the foregoing By-laws, Nos. 1 to 29 inclusive, shall, unless otherwise specially provided, be liable to a penalty not exceeding Ten pounds (£10), for each such breach; and in all cases where a penalty is imposed by any of such By-laws, either alone or in addition to some other specified penalty, without the amount or nature of such penalty being specified, such penalty shall be a pecuniary penalty not exceeding Ten pounds (£10) in amount.

*Giving false Consignment Note or Waybill.*

31. If any person shall make or cause to be made an under-statement, or insert or cause to be inserted any misdescription as to the nature, quantity, weight, measurement, or value of any goods delivered upon a railway, in any consignment note, waybill, or other document which he is required by the Government Railways Act, 1904, to deliver in respect of such goods, he shall, in lieu of the ordinary charges, pay special charges at double the ordinary rate in respect of such goods in addition to any other penalty prescribed by the said Act.

*Claims.*

32. The Commissioner shall not be liable in damages for personal injury to any passenger unless a claim in writing in respect of such injury is made by or on behalf of the passenger, and served on the Commissioner within twenty-eight days of the day upon which the injury is sustained.

The Commissioner shall not be liable for any loss of or damage to goods unless a claim in writing in respect of such loss or damage is made by or on behalf of the owner of the goods and served on the Commissioner :

- (a.) In the case of loss of goods, within 21 days after the day upon which the goods were consigned or handed to the Commissioner or his servants ; and
- (b.) In the case of damage to goods, within four days after the delivery of the goods alleged to be damaged. The delivery of such goods shall be deemed to be complete when notice of arrival has been given to the consignee, or after the goods have been at the receiving station for twelve hours.

Any claim under this By-law shall be deemed to be duly made if in writing and delivered at the Office of the Commissioner or the Chief Traffic Manager in Perth, or left with any Officer in charge of any railway station.

Regulation No. 20, and Regulation No. 15, on pages 9 and 110 respectively of the Classification and Rate Book, are hereby cancelled.

Signed by the Commissioner of Railways, at Perth.

WM. J. GEORGE,

Commissioner of Railways.

14th February, 1905.

In the presence of—

C. B. RUSHTON,

Secretary.

Approved by His Excellency the Governor in Executive Council this 22nd day of February, 1905.

ARTHUR H. WILLIAMS,

Clerk of the Council.