



Western Australia

**Government Railways By-laws — By-law 78  
(Licensing of Railway Restaurant Cars)**

Compare between:

[03 Mar 1922, 00-a0-03] and [12 Dec 2003, 00-b0-06]



GOVERNMENT RAILWAYS ACT 1904

**Government Railways By-laws — By-law 78  
(Licensing of Railway Restaurant Cars)**

~~It is hereby notified, for general information that His Excellency the Governor has approved of the following by-law made by the Commissioner of Railways in pursuance of powers conferred on him by “The Government Railways Act 1904.”~~

**By-law 78 — Licensing of Railway Restaurant Cars**

By-laws relating to the licensing of Railway Restaurant Cars made pursuant to the provisions of Sections 23 and 59 of “*The Government Railways Act 1904.*” and approved by His Excellency the Governor in Council on the twenty-second day of February, 1922.

**1. Meaning of “Restraint Car”**

In these By-laws, unless the context otherwise requires, “Restaurant Car” means a restaurant car leased by the Commissioner under Section 59 of the said Act, and includes the equipment connected therewith.

**2. Licence to sell alcohol**

Upon the lease of a Restaurant Car being entered into the lessee shall, if the terms of the lease so provide, be granted a license for the sale of alcoholic liquors in the form set out in the Schedule hereto.

**3. Annual fee**

The fee for the said license shall be annually one pound, payable in advance.

**4. When alcohol may be served**

Alcoholic liquor may only be served from the actual time of departure of the train from the station at which the Restaurant Car is attached until the arrival of the train at the station where the Restaurant Car is detached, and to persons holding *bona fide* passengers' current railway tickets or passes, and who on being requested so to do shall produce their tickets or passes before being served.

**5. Intoxicated persons not to be served**

The licensee shall not serve alcoholic liquor to any intoxicated person or to any person who may in any way appear to be under the influence of liquor.

**6. Western Australian products to be served**

Provided that such are obtainable, none but wines, beers, and mineral waters of Western Australian manufacture shall be sold or exhibited for sale in any Restaurant Car.

**7. Quality**

All liquors served shall be of the best quality and of such brands as the Commissioner may from time to time approve or direct.

**8. Employees to be served non-alcoholic drinks**

No alcoholic liquors shall be served to any of the servants of the Commissioner when wearing any part of the uniform of the Railway Department.

**9. Commissioner may inspect and sample**

The licensee shall afford the Commissioner every reasonable opportunity for making such inspection from time to time as shall enable the Commissioner to be entirely satisfied that these By-laws have been duly complied with, and to take, without charge, samples of any liquor in the Restaurant Car, and which may reasonably be supposed to be intended for sale, without prejudice to any statutory right of inspection.

**10. Licence not transferable**

The license shall not be transferred without the consent in writing of the Commissioner first obtained.

**11. Rights of Commissioner not affected**

The Commissioner reserves the right —

- (a) to alter the time-table or reduce or increase the number of trains: or
- (b) to grant any other licenses for the sale of alcoholic liquors;

without entitling the licensee to any compensation by reason thereof or relief from any of the obligations under these By-laws.

**12. Licensee to observe lease and other laws**

The licensee shall duly observe and perform the provisions of the lease of the Restaurant Car and all Commonwealth and State laws and regulations in force for the time being affecting the sale of alcoholic liquors on the said premises or the hours thereof.

**13. Forfeiture of license**

The Commissioner, with or without notice in writing, may forfeit the said license before the expiry thereof in any of the following events: —

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- (a) If the lessee commits a breach of any of these By-laws or of the laws for the time being in force respecting the inspection and adulteration of alcoholic liquors;
- (b) on the happening of any event which shall entitle the Commissioner to terminate the lease;
- (c) failure to continuously exercise the license in accordance with the By-laws.

**14. Breach of By-laws**

For each breach of these By-laws the lessee shall be liable, on summary conviction, to a penalty not exceeding Ten pounds.

**15. Prices**

All liquors must be sold at prices not exceeding those ruling in the district in which the Restaurant Car is run.

## The Schedule

### *License*

Whereas . . . . ., of . . . . ., is the  
Lessee under lease from the Commissioner of Railways dated the . . . . .  
day of . . . . ., 19 , of the Railway Restaurant Car No. . . . .  
attached to trains running between . . . . . and . . . . . :  
Now, therefore, the Commissioner of Railways of Western Australia, in  
pursuance of the provisions of the said lease and in consideration of the sum of  
£1, being the fee in advance for the first year hereof, doth hereby license the  
said . . . . . for the term of the said recited lease to sell alcoholic  
liquor by retail at the said recited Restaurant Car, in accordance with and  
subject to revocation as prescribed by the By-laws relating to the sale of  
alcoholic liquor on such Car.

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**Notes**

- <sup>1.</sup> This is a compilation of the *Government Railways By-laws — By-law 78* and includes the amendments referred to in the following Table.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Government Railways By-laws — By-law 78</i>	3 Mar 1922 pp.438-9	3 Mar 1922
<u><a href="#">These by-laws were repealed by the <i>Government Railways Amendment and Repeal By-laws 2003</i> bl. 3 as at 12 Dec 2003 (see <i>Gazette 12 Dec 2003</i> p. 5042)</a></u>		