

Western Australia

Government Railways Act By-laws

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Government Railways Act By-laws

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NOTES

Western Australia

GOVERNMENT RAILWAYS ACT 1904

Government Railways Act By-laws

WESTERN AUSTRALIAN GOVERNMENT RAILWAYS

Commissioner's Office,
Perth, 21st October 1920.

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

Application

- [A1. *Repealed by Gazette 30 December 1994 p.7332.*]
- [1. *Repealed by Gazette 30 December 1994 p.7332.*]
- [2. *Repealed by Gazette 30 December 1994 p.7332.*]
- [3. *Repealed by Gazette 30 December 1994 p.7332.*]
- [4. *Repealed by Gazette 30 December 1994 p.7332.*]
- [5. *Repealed by Gazette 30 December 1994 p.7332.*]
- [6. *Repealed by Gazette 30 December 1994 p.7332.*]

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[7. Deleted by Gazette 9 February 1970 p.416.]

[8. Repealed by Gazette 30 December 1994 p.7332.]

[9. Repealed by Gazette 30 December 1994 p.7332.]

[10. Repealed by Gazette 30 December 1994 p.7332.]

[11. Deleted by Gazette 26 November 1948 p.2871.]

12. Smoking in places not set apart for the purpose

No person shall smoke in any shed or covered platform of a station, or in any building, or on any pier, jetty, or wharf of the Commissioner. Any person guilty of a breach of this By-law may be summarily removed, and (whether removed or not) shall be liable to a penalty of \$200.

[By-law 12 amended by Gazette 26 November 1948 p.2871; 3 November 1961 p.3083; 30 December 1994 p.7335.]

13. Smoking in Non-smoking Compartments, Carriages and Vehicles

Compartments, carriages and other vehicles labelled “non-smoking” are set part for passengers who are averse to smoking. No person shall smoke in such compartments, carriages or vehicles. Any person guilty of a breach of this by-law may be summarily removed by a person authorized by the Commission or by a member of the Police Force and, whether removed or not, shall be liable to a penalty of \$200.

[By-law 13 inserted in Gazette 26 November 1948 p.2871; amended by Gazette 3 November 1961 p.3083; 30 December 1994 p.7335; 9 May 1997 p.2303.]

14. Passengers not to place their feet on seats

No passenger shall place his foot or feet upon any seat or part of a seat in any carriage or other vehicle of the Commissioner under a penalty of \$200.

*[By-law 14 amended by Gazette 3 November 1961 p.3083;
30 December 1994 p.7335.]*

15. Expectorating on station premises or rolling-stock

No person shall expectorate upon the floor or any other part of any carriage, vehicle, waiting-room or platform of the Commissioner. Any person guilty of a breach of this By-law shall be liable to a penalty of \$200.

*[By-law 15 amended by Gazette 3 November 1961 p.3083;
30 December 1994 p.7335.]*

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

No male person shall enter any room, carriage, or other vehicle set apart for the accommodation of females, and any such person who shall enter such room, carriage, or other vehicle, or remain therein after being warned to leave the same, may be removed therefrom, and (whether removed or not) shall be liable to a penalty of \$200.

*[By-law 16 amended by Gazette 3 November 1961 p.3083;
30 December 1994 p.7335.]*

17. Unauthorised persons travelling in reserved carriages sleeping cars

Any person who shall travel in or enter a railway carriage or compartment reserved for any particular person, or class of persons, and shall refuse to quit the carriage or compartment when requested to do so, or not having a sleeping car ticket, refuses to quit a sleeping carriage when requested to do so, may be removed therefrom, and shall (whether removed or not) be liable to a penalty of \$200. (See “Government Railways Act 1904,” s. 44.)

*[By-law 17 amended by Gazette 3 November 1961 p.3083;
30 December 1994 p.7335.]*

bl. 17A

17A. Unauthorized use of sleeping equipment

No person shall, without the permission of a person authorized by the Commission, move or use any bunk, blanket, pillow or other sleeping equipment in any railway carriage. Any person guilty of a breach of this by-law shall be liable to a penalty of \$200.

[By-law 17A inserted by Gazette 23 March 1945 p.304; amended by Gazettes 3 November 1961 p.3083; 30 December 1994 p.7332; 9 May 1997 p.2303.]

18. Carriages not to be overcrowded

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 a person authorized by the Commission to do so, may be summarily removed therefrom, and (whether removed or not) shall be liable to a penalty of \$200.

[By-law 18 amended by Gazette 23 March 1945 p.304; 3 November 1961 p.3083; 30 December 1994 p.7335; 9 May 1997 p.2303.]

19. Taking possession of seat in carriage

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 a person authorized by the Commission, and (whether removed or not) shall be liable to a penalty of \$200.

*[By-law 19 amended by Gazette 3 November 1961 p.3083;
30 December 1994 p.7335; 9 May 1997 p.2303.]*

20. Entering or leaving carriages when in motion, etc.

No person, other than a person authorized by the Commission, shall, without reasonable excuse, enter or leave, or attempt to enter or leave any carriage or other vehicle while the train is in motion, or elsewhere than at the side of the carriage or other vehicle adjoining the platform or other place appointed by the Commissioner for persons to enter or leave the same. Any person guilty of a breach of this By-law shall be liable to a penalty of \$200.

*[By-law 20 amended by Gazette 3 November 1961 p.3083;
30 December 1994 p.7335; 9 May 1997 p.2303.]*

21. Opening carriage doors or getting through windows

No person, other than a person authorized by the Commission, shall, without reasonable excuse, enter or leave any carriage or other vehicle of the Commissioner by getting through a window, or shall open a locked carriage door with a key or other instrument at any time, or any door, whether locked or not, while the train is in motion. Any person guilty of a breach of this By-law shall be liable to a penalty of \$200.

*[By-law 21 amended by Gazette 3 November 1961 p.3083;
30 December 1994 p.7335; 9 May 1997 p.2303.]*

22. Travelling on roof, steps, etc., of carriage

No person, other than a person authorized by the Commission, shall, without reasonable excuse, travel on the roof, steps, or footboard of any carriage or other vehicle, or on an engine or any portion of any carriage or other vehicle not intended for the conveyance of passengers. Any person guilty of a breach of this By-law may be summarily removed, and (whether removed or not) shall be liable to a penalty of \$200.

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*[By-law 22 amended by Gazette 3 November 1961 p.3083;
30 December 1994 p.7335; 9 May 1997 p.2303.]*

23. Possession of graffiti implement

A person on railway premises must not have in his or her possession a spray can, felt pen, crayon or other article capable of being used to deface property, unless the person has a lawful excuse for possessing that article.

Penalty: \$200.

[By-law 23 inserted by Gazette 30 December 1994 p.7332.]

23A. Possession of solvent

A person on railway premises must not have in his or her possession a solvent or other volatile substance capable of inducing a narcotic effect if inhaled or ingested, unless the person has a lawful excuse for possessing that substance.

Penalty: \$200.

[By-law 23A inserted by Gazette 30 December 1994 p.7332.]

23B. Possession of weapon

A person on railway premises must not have in his or her possession a weapon made or adapted for use for causing injury to a person, unless the person has a lawful excuse for possessing that weapon.

Penalty: \$200.

[By-law 23B inserted by Gazette 30 December 1994 p.7333.]

24. Persons with infectious or contagious diseases

The Commissioner may refuse to carry any person who, in the opinion of himself or his officers, has any infectious or contagious disease. No person who has any such disease shall, without the authority of the Commissioner, resort to or come upon any premises of the Commissioner, or travel, or attempt to

travel upon, any railway. No person who has charge of any person who has such disease shall, without the like authority, aid or assist the person having such disease to travel, or attempt to travel, on the railway. Any person guilty of a breach of this By-law may be removed from any such premises, or from any carriage or other vehicle of the Commissioner by any employee.

25. Making use of means of communication between passengers and railway servants

No person shall make use of the means of communication between the passengers and employees of the Commissioner in charge of a train, or apply any brake, without reasonable excuse. Any person guilty of a breach of this By-law shall be liable to a penalty of \$200.

[By-law 25 amended by Gazette 3 November 1961 p.3083; 30 December 1994 p.7335.]

26. Gratuities not to be offered to employees

No person shall give or offer a gratuity to any employee of the Commissioner under a penalty of \$200.

[By-law 26 amended by Gazette 3 November 1961 p.3083; 30 December 1994 p.7335.]

27. Person to give correct name and address when so required

- (1) A person authorized by the Commission may require a person on a railway —
 - (a) to provide the person's correct name and address to that person; or
 - (b) to verify that a name and address provided to the person is correct.
- (2) A person who is required to give his or her name and address under sub-by-law (1) must not refuse to provide his or her name and address.
Penalty: \$200.

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- (3) A person who is required to give his or her name and address under sub-by-law (1) must not give a false name or address.
Penalty: \$200.
- (3) A person who is required to verify his or her name and address under sub-by-law (1) must not refuse to verify that name or address.
Penalty: \$200.

*[By-law 27 inserted by Gazette 30 December 1994 p.7333;
amended in Gazette 9 May 1997 p.2303.]*

28. Lost property or documents found to be handed over

Any person who finds any lost property upon any station or premises, or in or upon any carriage or vehicle of the Commissioner, shall immediately hand over the same to the officer-in-charge of the railway station at or nearest the place where such property was found, or to the guard in charge of the train. Any person guilty of a breach of this By-law shall be liable to a penalty of \$200.

*[By-law 28 amended by Gazette 3 November 1961 p.3083;
30 December 1994 p.7335.]*

[29. Repealed by Gazette 30 December 1994 p.7333.]

30. Persons omitting to shut and fasten gates, etc.

No person shall omit to shut and securely fasten any gate set up at either side of the railway for the accommodation of the owner or occupier of the adjoining lands, as soon as he and any vehicle, cattle, or other animals under his care have passed through the same. Any person guilty of a breach of this By-law shall be liable to a penalty of \$200. (See also “*Government Railways Act 1904*,” s. 48.)

*[By-law 30 amended by Gazette 3 November 1961 p.3083;
30 December 1994 p.7335.]*

31. Distributing or Posting Placards on Railway Property or Premises

A person shall not, without the permission of the Commission, post, give or distribute, stick, paint or write, or cause to be posted, given or distributed, stuck, painted, or written, any placard, bill, advertisement, or other matter within or on any post, fence, gate, platform, wall, building, or other property or premises of the Commission.

Penalty: \$200.

[By-law 31 inserted by Gazette 2 March 1961 p.590; amended by Gazette 3 November 1961 p.3083; 30 December 1994 p.7333.]

[32. Repealed by Gazette 30 December 1994 p.7333.]

[33. Repealed by Gazette 30 December 1994 p.7333.]

34. Unauthorised stacking of timber on Railway premises

No person shall, without the written permission of the Commissioner or some person in the employ of the Commissioner authorised to give such permission, stack or bring or cause to be stacked or brought any timber whatsoever on or on to any railway, pier, wharf, jetty, station, land, or other premises vested in, used by, or under the control of the Commissioner or the Minister. Any person guilty of a breach of this By-law shall be liable to a penalty of \$200.

[By-law 34 amended by Gazette 3 November 1961 p.3083; 30 December 1994 p.7335.]

35. Timber to be removed from Railway premises on demand

Every person by or on whose behalf any timber shall be stacked or remain on any such railway, pier, wharf, jetty, station, land, or other premises as aforesaid shall, unless he has the right to retain it thereon, forthwith after demand made by or on behalf of the Commissioner, remove such timber from the place on which

the same is so stacked or remains as aforesaid. Any breach of this By-law will render the offender liable to a penalty of \$200.

[By-law 35 amended by Gazette 3 November 1961 p.3083; 30 December 1994 p.7335.]

36. Loitering on Railway premises

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 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 station.

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, may be summarily removed from the railway premises by any person authorized by the Commission and (whether removed or not) shall be liable to a penalty of \$200.

[By-law 36 amended in Gazette 30 December 1994 p.7335; 9 May 1997 p.2304.]

37. Persons to leave Railway premises when required to do so

Any person (unless holding a platform ticket), not being an intending passenger, and in possession of a ticket, who does not leave any premises of the Commissioner when required so to do

by a person authorized by the Commission, may be removed therefrom, and (whether removed or not) shall be liable to a penalty of \$200.

[By-law 37 amended in Gazette 3 November 1961 p.3083; 30 December 1994 p.7335; 9 May 1997 p.2304.]

38. Persons crossing at unauthorised places

No person shall cross, or attempt to cross, any line of railway elsewhere than at an authorised crossing-place, or cross, or attempt to cross, any line of railway at an authorised crossing-place when warned so not to do by a person authorized by the Commission. Any person guilty of a breach of this By-law shall be liable to a penalty of \$200.

[By-law 38 amended in Gazette 3 November 1961 p.3083; 30 December 1994 p.7335; 9 May 1997 p.2304.]

39. Persons crossing line to use overbridge or subway where provided

No person on foot (excepting a person in charge of a vehicle or live stock) shall cross, or attempt to cross, any line of railway on the level at a station or any other place where an overbridge or subway is provided. Any person guilty of a breach of this By-law shall be liable to a penalty of \$200.

[By-law 39 amended by Gazette 3 November 1961 p.3083; 30 December 1994 p.7335.]

40. Unauthorised persons soliciting custom

No person, unless duly authorised in writing by the Commissioner, shall come in or upon any carriage, vehicle, or premises of the Commissioner for the purpose of removing any passenger's luggage for reward unless engaged by him for such purpose, and no person, unless so authorised as aforesaid, shall solicit custom or hire in or upon any carriage, vehicle, or premises of the Commissioner. Any person guilty of a breach of this By-law may be removed from such carriage, vehicle, or

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premises, and (whether removed or not) shall be liable to a penalty of \$200.

[By-law 40 amended by Gazette 3 November 1961 p.3083; 30 December 1994 p.7335.]

41. Drivers of vehicles to be provided with written license

No driver of any hackney carriage, omnibus, or cart, dray, or other public vehicle shall ply for hire or accept hire within any premises of the Commissioner without a license in writing from him. Any person guilty of a breach of this By-law shall be liable to a penalty of \$200.

Applications for licenses must be made to the Commissioner on the form provided, and forwarded through the Station-master or other officials in charge of the place for which the license is required.

Applicants for licenses must forward, with their application, certificates of character from at least two persons of repute, or one certificate from the police authorities of the district wherein the applicant resides or plies his calling.

Notwithstanding that a person has complied with the other requirements and conditions prescribed by these by-laws for the grant of a license, he shall not be granted a license under this by-law except on the payment of a license fee in accordance with the provisions of by-law 41A of these by-laws.

A license issued under this by-law shall terminate on the 30th June or the 31st December, as the case may be, next succeeding its date of issue, but may at the discretion of the Commission be renewed for half-yearly periods expiring on those dates.

The holder of a license shall not solicit custom or hire, or in anywise interfere or obstruct any passenger or servant of the Commissioner upon any railway premises or any approach thereto.

Licenses are not transferable except that where an employer takes out a license for an employee who later leaves his employ, a transfer to another employee may be allowed for the balance of the currency of the license, on payment of a transfer fee of two shillings and sixpence (2s. 6d.) Licenses must be delivered up to the Commissioner when required.

Should the person in charge of any vehicle plying for hire on any railway premises be found in possession of, and using a license which has not been issued to him, he will be liable to prosecution.

The Commissioner may cancel any license the holder of which —

- (a) Has been convicted of a breach of the By-laws; or
- (b) Has been proved to the satisfaction of the Commissioner to have been guilty of any disorderly conduct; or
- (c) Of making use of threatening, abusive, indecent, or offensive language; or
- (d) Is guilty of any breach of these regulations.

The Commissioner may, without giving any reason, cancel any license issued under this By-law.

All licenses issued by the Commissioner shall be subject to the provisions of the “*Traffic Act 1919*,” and Regulations, and any amendments thereto.

[By-law 41 amended by Gazettes 4 September 1925 p.1601; 5 July 1946 p.837; 15 April p.1955 p.712; 3 August 1956 p.1933; 24 July 1957 p.2332; (Erratum in Gazette 27 June 1957 p.2138); 3 November 1961 p.3083; 30 December 1994 p.7335.]

41A. Licence fee

A license fee referred to in by-law 41 of these by-laws shall be such amount, not less than ten shillings (10s.) for each half-yearly period or part thereof, as may from time to time be

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determined by the Commission with the approval of the Minister.

[By-law 41A inserted by Gazette 24 July 1957 p.2332.]

42. Drivers of vehicles to obey directions of Railway Officers

Every driver of an omnibus, cab, carriage, cart, dray, or other vehicle shall, while in or upon any station, yard, or other premises of the Commissioner, obey the reasonable directions of a person authorized by the Commission. Any person guilty of a breach of this By-law shall be liable to a penalty of \$200.

[By-law 42 amended in Gazette 3 November 1961 p.3083; 30 December 1994 p.7335; 9 May 1997 p.2304.]

43. Speed limits and traffic signs at railway

- (1) A person while on or in a railway station, railway yard or railway premises of the Commission: —
 - (a) shall not drive a vehicle —
 - (i) within a speed zone, at a speed exceeding in kilometres per hour, that indicated by the numerals on the restriction sign at the beginning of the speed zone; or
 - (ii) outside of a speed zone, at a speed exceeding 20 kilometres per hour; and
 - (b) shall comply with the directions of traffic control signals or signs that are erected and displayed by the Commission and as are applicable to him.
- (2) In this by-law —

“de-restriction sign” means a sign, erected near the left hand side of a road or in such other position in an area of land that is improved, designed or ordinarily used for vehicular traffic so that the sign is readily visible to a person in control of a vehicle when approaching the sign in a normal

manner, on which is inscribed the words, “End
speed” and numerals between those words;

“restriction sign” means a sign, erected near the left hand side of a road or in such other position on an area of land that is improved, designed or ordinarily used for vehicular traffic so that the sign is readily visible to a person in control of a vehicle when approaching that area in a normal manner, on which is inscribed the words “Speed Limit” followed by numerals; and

“speed zone” means a portion of a road, or area of land that is improved, designed or ordinarily used for vehicular traffic, that is defined by means of a restriction sign at its beginning, and a derestriction sign or a restriction sign bearing different numerals, at its end.

- (3) Every person contravening the provisions of this by-law is liable to a penalty of \$200.

*[By-law 43 inserted by Gazette 31 October 1968 p.3250;
amended by Gazette 14 January 1969 p.148; 15 June 1973
p.2242; 30 December 1994 p.7333.]*

43A. Driving at Perth Railway Station

Except as hereinafter provided no person shall drive any horse or horse attached to a vehicle, or drive any motor car, machine, or other vehicle over or along that portion of the railway premises at Perth Railway Station bounded on the North by the said railway station, on the south by the Northern alignment of Wellington Street, on the East by the junction of the said street alignment with the footpath in front of the said railway station, and on the West by William Street, without the written permission of the Commissioner. Any person guilty of a breach of this By-law shall on conviction be liable to a penalty of \$200.: Provided that any person driving over or along the same *bona fide* for the purpose of going to or departing from the said Perth Railway Station, shall not be deemed to commit a breach of this By-law.

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*[By-law 43A inserted by Gazette 30 March 1928 p.869;
amended by Gazette 3 November 1961 p.3083;
30 December 1994 p.7334.]*

44. Horses, bicycles, etc., not to be ridden or driven except where set apart therefor

No person shall ride or drive any horse, or any bicycle, motor-car, or other machine upon or along any railway, pier, wharf, jetty, platform, or any pathway, subway, or other way used in connection with any of the railway stations, buildings, piers, wharves, or jetties vested in, used by, or under the control of the Commissioner, and set apart for the exclusive use of pedestrians. Any person guilty of a breach of this By-law shall be liable to a penalty of \$200.

*[By-law 44 amended by Gazette 3 November 1961 p.3083;
30 December 1994 p.7335.]*

44A. Driving on wharf, jetty etc.

No person shall drive, or cause or permit to be driven, any vehicle upon or along any wharf, pier, or jetty, controlled by the Commissioner, where the driving of such vehicle is prohibited by public notice displayed on such wharf, pier or jetty. Any person guilty of a breach of this by-law shall be liable to a penalty of \$200.

*[By-law 44A inserted by Gazette 12 December 1947 p.2289;
amended by Gazette 3 November 1961 p.3083;
30 December 1994 p.7334.]*

Road vehicles, machines, or loads crossing line

[Heading inserted by Gazette 21 September 1971 pp.3516-7.]

45. Traction engines, road engines, or other vehicles crossing line

A person shall not take or attempt to take across any railway on the level —

- (a) any machine travelling on crawler type tracks; or
- (b) any road vehicle, machine, or load that exceeds 25 metres in total length or 5 metres in width or 5 metres in height, is limited in travel to a speed of 15 km/h or less, or is likely to cause, or create a risk of causing, an obstruction to, interference with, or displacement of the railway,

unless

- (c) he applies, by notice in writing setting out the time and place at which it is proposed to take or attempt to take the vehicle, machine, or load across the railway, to an officer of the Civil Engineering Branch of the Railways who has been nominated for that purpose by the Commission;
- (d) he receives, at least 48 hours before he takes or attempts to take the vehicle, machine, or load across the railway, authority in writing from the officer to whom he has applied under paragraph (c) of this by-law and
- (e) he has made such provision as the Commission or its servants have instructed him to make to prevent damage being done to the railway by reason of the taking, or attempted taking of the vehicle, machine, or load across the railway.

Penalty: Two hundred dollars.

[By-law 45 inserted by Gazette 21 September 1971 pp.3516-7; amended by Gazette 8 February 1972 p.264; 5 June 1973 p.2242.]

[46. Repealed by Gazette 30 December 1994 p.7334.]

47. Missiles, rubbish, etc., not to be thrown

No person shall throw, or cause to be thrown, at or from any carriage or other vehicle of the Commissioner, or on to any railway or any station building, pier, wharf, jetty, land, or other

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premises vested in, used by, or under the control of the Commissioner, any glass, stone, or other missile, or any filth, dirt, rubbish, or other matter of a similar nature. Any person guilty of a breach of this By-law shall be liable to a penalty of \$200.

*[By-law 47 amended by Gazette 3 November 1961 p.3083;
30 December 1994 p.7334.]*

48. Polluting water in Railway reservoirs, etc.

No person shall bathe in or pollute the water of any reservoir or tank connected with any railway of the Commissioner, and no person shall fish or shoot in, over, or upon any such reservoir or tank without the consent in writing of the Commissioner. Any person guilty of a breach of this By-law shall be liable to a penalty of \$200.

*[By-law 48 amended by Gazette 3 November 1961 p.3083;
30 December 1994 p.7335.]*

49. Sewage, drainage, etc., not to be placed or emptied on Railway premises

No person shall permit to flow, or empty or place, or cause or suffer to flow or to be emptied or placed, any sewage, night-soil, drainage, or other offensive matter on to or upon any railway, or any station, building, pier, wharf, jetty, land, or other premises vested in, or used by or under the control of the Commissioner. Any person guilty of a breach of this By-law shall be liable to a penalty of \$200.

[By-law 49 amended by Gazette 30 December 1994 p.7335.]

[50. Repealed by Gazette 30 December 1994 p.7334.]

51. Allowing animals to stray on Railway premises or lands

No person shall drive or negligently allow any cattle, horse, sheep, swine, or other animal to stray upon any line of railway

or premises of the Commissioner. Any person guilty of a breach of this By-law shall be liable to a penalty of \$200.

[By-law 51 amended by Gazette 30 December 1994 p.7335.]

52. Conveyance of dogs or other animals in carriages

No person shall take into or have in his charge in any carriage or other vehicle intended for the conveyance of passengers, any dog or other animal, except under the conditions imposed for the conveyance of such dog or other animal. Any person guilty of a breach of this By-law shall be liable to a penalty of \$200; and any such dog or other animal may be forthwith removed from any such carriage or vehicle, and from the premises of the Commissioner.

[By-law 52 amended by Gazette 30 December 1994 p.7334.]

53. Diseased animals on Railway premises

The Commissioner may refuse to carry any horse, cattle, sheep, swine, bird, or other live stock which he reasonably believes to be diseased. No person shall wilfully or negligently drive or bring, or cause or permit to be driven or brought upon or into any station yard, shed, or premises of the Commissioner, any horse, cattle, sheep, swine, bird, or other live stock having or suffering from any disease whatsoever. Any person guilty of a breach of this By-law shall be liable to a penalty of \$200.

[By-law 53 amended by Gazette 30 December 1994 p.7335.]

59. Ship's Passengers' Baggage

- (a) All liability of the Commissioner of Railways in respect of ship's passengers' baggage and effects landed from any vessel at any wharf or jetty under the Commissioner's control shall cease and determine immediately upon the said baggage and effects being cleared or released by the Customs authorities.
- (b) It shall be the duty of the owner of the said goods to be present in person or by an agent or representative when the same are

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cleared or released by the Customs authorities, and at once to take delivery of and remove the goods, and on and after clearance the goods shall be and continue, if not removed by the owner from railway premises, at the owner's risk absolutely.

- (c) The owner of ship's passengers' baggage and effects landed as aforesaid shall, from and after forty-eight hours after the time of landing the same, if he has not sooner removed the said baggage and effects from railway premises, be liable to pay to the Commissioner of Railways storage charges as for ordinary cargo landed on a railway jetty for the period which elapses between the expiry of the forty-eight hours aforesaid and the actual removal from railway premises of the goods by their owner or his representative.

[61. *Repealed by Gazette 9 January 1981 p.47.*]

62. Strikes, Lock-outs, etc.

The Commissioner shall not be liable for any loss, damage, injury, detention or delay whatsoever happening to or affecting any goods carried on a railway or received into or on or stored in or delivered from any store, shed, yard, wharf, pier, or jetty in connection with a railway if such loss, damage, injury, detention, or delay is wholly or in part caused by or due to any strike, lock-out, labour disturbance or stoppage of labour from whatever cause arising.

63. Claims

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 total 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 or partial loss of goods, within four days after the delivery of the goods alleged to be damaged or short delivered. 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 Commission, Chief Traffic Manager of Commercial Manager in Perth, or left with any Officer-in-Charge of any railway station or parcels depot.

*[By-law 63 amended by Gazette 9 February 1970 p.416;
7 July 1978 p.2313.]*

64. Conditional stopping places

Where it appears from the time-table that a train is timed to stop at any particular station or stopping place not unconditionally but to set down or pick up passengers from places indicated, such train need not stop at any such station or stopping place even to pick up or set down, as the case may be, any passenger or intending passenger from any place indicated unless the appropriate communication has been made or signal exhibited as hereinafter provided.

A passenger desiring to alight shall communicate his desire to the guard of the train before it has left the last preceding stopping place.

An intending passenger intending to join the train shall, within a reasonable time before the arrival of the train, communicate his desire to the Station-master or officer-in-charge of the station or stopping place, or, if there is no such Station-master or officer, shall in due time conspicuously and effectively exhibit the signal provided at such station or stopping place for the purpose of causing trains to be stopped there.

68. Children on jetties

No person under the age of sixteen years shall go or remain upon any jetty under the control of the Commissioner unless accompanied by some adult person. Any servant of the Commissioner shall have power to exclude or remove from any such jetty any person under the age of sixteen years unless accompanied by some adult person.

Anyone allowing any person under the age of sixteen years in his or her charge to go upon any such jetty unaccompanied by some adult person shall be liable on conviction to a penalty of \$200.

[By-law 68 amended by Gazette 3 November 1961 p.3083; 30 December 1994 p.7335.]

69. Handling cargo or goods on jetties

No person other than an employee of the Commissioner of Railways shall, without the permission of the Commissioner, load, discharge, or handle, or work to be employed at or about the loading, discharging, or handling of cargo or goods on or in connection with any sea jetty of the State which is under the control of the Commissioner.

No person shall employ any other person to work in contravention of the foregoing provision.

Any breach of this By-law shall be punishable on summary conviction by a penalty of \$200.

When the cost to the Commissioner of loading, discharging, or handling any cargo or goods on or in connection with any sea jetty of the State under the control of the Commissioner exceeds the amount that would be chargeable under the scale prescribed by the Commissioner and applicable to the case, then the Commissioner may charge the person liable the actual amount of such cost.

*[By-law 69 amended by Gazette 3 November 1961 p.3083;
30 December 1994 p.7335.]*

70. Inflammable material not to be placed in live stock trucks

No person shall place, keep, or suffer to remain or permit or procure to be placed or kept, in any live stock truck in which any animal is being carried or has been placed for carriage, any hay, straw, or other inflammable material.

Any infraction of this By-law shall render the offender liable, on summary conviction, to a penalty of \$200.

*[By-law 70 amended by Gazette 3 November 1961 p.3083;
30 December 1994 p.7335.]*

70A. Overloading of wagons prohibited

No person shall load or cause any wagon to be loaded in excess of the weight carrying capacity marked on any such wagon as its load. When separate 'heavy' and 'light loads' are marked on any wagon no person shall load any such wagon or cause it to be loaded in excess of the light load so marked thereon if it is intended such load is to be carried over any section of the line as is specified in the list of lines wharves and jetties to which the light load applies exhibited at the station or siding where the wagon is loaded. Any person committing a breach of this by-law is liable to a penalty of \$200.

[By-law 70A inserted by Gazette 24 July 1953 p.1389; amended by Gazette 3 November 1961 p.3083; 30 December 1994 p.7335.]

71. Concession fares

If any person shall in any certificate for concession fares make any statement which is contrary to the fact, he shall, unless he proves that he has made such statement in ignorance and without any intention to defraud, be guilty of an offence and liable, on summary conviction, to a penalty of \$200.

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*[By-law 71 amended by Gazettes 3 November 1961 p.3083;
30 December 1994 p.7335.]*

72. Concession season tickets

If any person shall in any application for a periodical ticket at less than the full rate make any statement which is contrary to the fact, he shall, unless he proves that he has made such statement in ignorance and without any intention to defraud, be guilty of an offence and liable on summary conviction to a penalty of \$200.

*[By-law 72 amended by Gazette 3 November 1961 p.3083;
30 December 1994 p.7335.]*

73. Giving false consignment note or waybill

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.

74. By-laws not to be waived

No employee of the Commissioner has any authority to waive, dispense with, or vary these By-laws or any of them.

Notes

- ^{1.} This is a compilation of the *Government Railways Act By-laws* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Government Railways Act By-laws</i>	29 October 1920 pp.1983-8	29 October 1920
	4 September 1925 p.1601	
	30 March 1928 p.869	
	23 March 1945 p.304	
	5 July 1946 p.837	
	12 December 1947 p.2289	
	26 November 1948 p.2871	
	24 July 1953 pp.1438-9	
	15 April 1955 p.712	
	3 August 1956 p.1933	
	27 June 1957 p.2138	
Erratum	24 July 1957 p.2332	
	25 June 1958 p.1367	
	2 March 1961 p.590	
	3 November	

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Citation	Gazettal	Commencement
	1961 p.3083	
	31 October 1968 p.3250	
	14 January 1969 p.148	
	22 September 1969 pp.2902-10	
	9 February 1970 p.416	
	13 April 1970 p.1059	
	4 May 1971 p.1343	
	21 September 1971 pp.3516-7	
	8 February 1972 p.264	
	22 May 1972 p.1359	
	15 June 1973 p.2242	
	12 March 1976 p.767	
	24 September 1976 pp.3538-42	
	24 September 1976 p.3542	
	26 November 1976 p.4829	
	23 June 1978 p.2113	
	7 July 1978 p.2313	

Citation	Gazettal	Commencement
	21 July 1978 pp.2688-9	
	22 June 1979 pp.1750-1	
	9 January 1981 p.47	
	22 June 1984 p.1719	
	9 January 1987 p.54	
<i>Railways By-laws Amendment By-laws 1994</i>	30 December 1994 pp.7332-35	1 January 1995
<i>Railways By-laws Amendment By-laws 1997</i>	9 May 1997 pp.2302-04 17 February 1998 pp. 921-2	9 May 1997
