

TN303

Government Railways Act 1904

## Government Railways (Removal and Disposal of Vehicles) Amendment By-law 2020

SL 2020/207

Made by the Public Transport Authority of Western Australia and approved by the Governor in Executive Council.

### 1. Citation

This by-law is the *Government Railways (Removal and Disposal of Vehicles) Amendment By-law 2020*.

### 2. Commencement

This by-law comes into operation as follows —

- (a) rules 1 and 2 — on the day on which this by-law is published in the *Gazette*;
- (b) the rest of the by-law — on the day after that day.

### 3. By-law amended

This by-law amends the *Government Railways (Removal and Disposal of Vehicles) By-law 1978*.

### 4. Rule 2 deleted

Delete rule 2.

### 5. Rule 4 amended

In rule 4 delete “purpose of removing into custody any vehicle left on a railway for a period in excess of 7 days.” and insert:

purposes of this by-law.

### 6. Rule 5 replaced

Delete rule 5 and insert:

### 5. Entry and removal of vehicles

- (1) If a vehicle is left on a railway for a period in excess of 7 days, an authorised person may use such force as is necessary to enter the vehicle for the purposes of

removing it and may remove the vehicle to an appointed place.

- (2) If an authorised person is of the opinion that a vehicle left on a railway creates a hazard or is unsafe, the authorised person may use such force as is necessary to enter the vehicle for the purposes of removing it and may remove the vehicle to an appointed place.

**7. Rule 8 amended**

- (1) In rule 8(1):

- (a) delete “A vehicle shall not be sold” and insert:

The authority must not sell or otherwise dispose of a vehicle

- (b) in paragraph (b) delete “in writing by prepaid registered mail” and insert:

by email or post

- (2) In rule 8(2) after “sell” (first occurrence) insert:

or otherwise dispose of

Note: The heading to amended rule 8 is to read:

**Prerequisites of disposal**

**8. Rule 9 replaced**

Delete rule 9 and insert

**9. Application of proceeds of sale of vehicle**

If a vehicle is sold or otherwise disposed of under this by-law the proceeds of a sale (if any) of the vehicle may be applied by the Authority towards recouping the costs of the removal, custody and disposal of the vehicle.

**9. Rule 10 amended**

- (1) In rule 10(1):

- (a) delete “and sale” and insert:

and disposal

(b) delete “the sale” and insert:

a sale (if any)

(2) In rule 10(2):

(a) delete “the sale” and insert:

a sale (if any)

(b) delete “and sale” and insert:

and disposal

**10. Rule 11 amended**

In rule 11:

(a) delete “custody — \$2 per kilometre.” and insert:

custody — \$60 plus \$2.60 per kilometre.

(b) delete “vehicle — \$1 for each day of custody.” and insert:

vehicle — \$10 for each day or part day of custody.

The common seal of the  
Public Transport Authority  
of Western Australia was  
affixed, as authorised by the  
Authority, in the presence  
of —

PETER WORONZOW, A/Chief Executive Officer.

---