

**GOVERNMENT RAILWAYS (FURTHER  
AMENDMENT) ACT, 1980, No. 138**

**New South Wales**



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**ELIZABETHÆ II REGINÆ**

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**Act No. 138, 1980.**

An Act to amend the Government Railways Act, 1912, with respect to offences relating to the refusal or neglect to pay fares. [Assented to, 9th December, 1980.]

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See also Transport (Further Amendment) Act, 1980; Transport Authorities (Amendment) Act, 1980.



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*Government Railways (Further Amendment).*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.      **1.** This Act may be cited as the "Government Railways (Further Amendment) Act, 1980".

Commence-      **2.** (1) This section and section 1 shall commence on the date  
ment.            of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment      **3.** The Government Railways Act, 1912, is amended in the  
of Act No.      manner set forth in Schedule 1.  
30, 1912.

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**Sec. 3.**

**SCHEDULE 1.**

AMENDMENTS TO THE GOVERNMENT RAILWAYS ACT, 1912.

(1) Section 64 (1)—

Omit "forty dollars", insert instead "\$200".

(2) (a) Section 130 (1) (a)—

Omit "with intent to avoid payment thereof", insert instead "without reasonable excuse".



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*Government Railways (Further Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE GOVERNMENT RAILWAYS ACT,  
1912—*continued.*

(b) Section 130 (1) (a1)—

After section 130 (1) (a), insert :—

(a1) travels or attempts to travel in any carriage employed on any railway without having previously paid his fare and fails, without reasonable excuse, on demand made by an officer authorised by the Authority in that behalf, to pay his fare; or

(c) Section 130 (1) (b)—

Omit “with intent to avoid payment thereof”, insert instead “without reasonable excuse”.

(d) Section 130 (1) (d)—

Omit “with intent to avoid payment of the additional fare”, insert instead “without reasonable excuse”.

(e) Section 130 (1)—

Omit “forty dollars”, insert instead “\$200”.

(f) Section 130 (3)—

After section 130 (2), insert :—

(3) It is not a defence to a prosecution under subsection (1) (a) for a person to prove—

(a) that the time taken or likely to have been taken in payment of his fare before travelling or attempting to travel in a carriage would or may have caused him to have been unable to so travel or attempt to travel; or



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*Government Railways (Further Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE GOVERNMENT RAILWAYS ACT,  
1912—*continued.*

(b) that he intended to pay his fare while travelling or on arriving at a point,

unless he proves that he entered the carriage or attempted to enter the carriage at a station and—

(c) that it appeared to him, after reasonable investigation, that no facilities were available to him at that station to enable him to effect payment of his fare before so entering or attempting to enter; or

(d) that he had arrived at that station within such period of time before so entering or attempting to enter as would, in the circumstances ordinarily existing at the time of the day and on the day of the week at and on which he so entered or attempted to enter, have enabled him to have effected payment of his fare before so entering or attempting to enter, that he diligently took all steps reasonably necessary to so effect payment of his fare, but that he was unable, due to circumstances beyond his control, to so effect payment of his fare.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 9th December, 1980.*

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980



## **GOVERNMENT RAILWAYS (FURTHER AMENDMENT) BILL, 1980**

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### **EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The following Bills are cognate with this Bill:—

- Transport (Further Amendment) Bill, 1980;
- Transport Authorities (Amendment) Bill, 1980.

The objects of this Bill are—

- (a) to increase, from \$40 to \$200, the penalty which may be imposed for a breach of the by-laws made under the Government Railways Act, 1912 ("the Act") (Schedule 1 (1));
  - (b) to remove, in respect of certain offences under the Act relating to fare evasion, the necessity to prove intent on the part of an offender to avoid payment of his fare and to provide that those offences may be proven in the absence of a reasonable excuse for refusal or neglect to pay the fare (Schedule 1 (2) (a)–(d));
  - (c) to increase, from \$40 to \$200, the penalty payable in respect of the offences referred to in paragraph (b) (Schedule 1 (2) (e)); and
  - (d) to provide that certain excuses will not constitute a defence to a prosecution for having travelled or attempted to travel on a railway without having previously paid a fare (Schedule 1 (2) (f)).
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GOVERNMENT RAILWAYS (FURTHER AMENDMENT) BILL, 1950

EXPLANATORY STATEMENT

(This Explanatory Statement is set out in Schedule I to the Bill as introduced into Parliament.)

The object of the Bill is to amend the Government Railways Act, 1925.

The Bill is divided into three parts.

Part I contains the amendments to the Act.

The amendments are as follows:

1. To amend section 2(1) of the Act, so as to include in the definition of "Government Railway" the Government Railway of the State of Mysore.

2. To amend section 2(1) of the Act, so as to include in the definition of "Government Railway" the Government Railway of the State of Madhya Pradesh.

3. To amend section 2(1) of the Act, so as to include in the definition of "Government Railway" the Government Railway of the State of Bihar.

4. To amend section 2(1) of the Act, so as to include in the definition of "Government Railway" the Government Railway of the State of West Bengal.



Act No. 1980  
**GOVERNMENT RAILWAYS (FURTHER  
AMENDMENT) BILL, 1980**

Enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Government Railways (Further Amendment) Act, 1980".

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

No. , 1980.

3. The Government Railways Act, 1912, is amended in the manner set forth in Schedule 1.

**A BILL FOR**

An Act to amend the Government Railways Act, 1912, with respect to offences relating to the refusal or neglect to pay fares.

[MR COX—15 October, 1980.]

See also Transport (Further Amendment) Bill, 1980; Transport Authorities (Amendment) Bill, 1980.

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*Government Railways (Further Amendment).*

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 1. This Act may be cited as the "Government Railways Short title. (Further Amendment) Act, 1980".

2. (1) This section and section 1 shall commence on the date Commence- of assent to this Act. ment.

(2) Except as provided in subsection (1), this Act shall 10 commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Government Railways Act, 1912, is amended in the Amendment manner set forth in Schedule 1. of Act No. 30, 1912.

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SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE GOVERNMENT RAILWAYS ACT, 1912.

(1) Section 64 (1)—

Omit "forty dollars", insert instead "\$200".

(2) (a) Section 130 (1) (a)—

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Omit "with intent to avoid payment thereof", insert instead "without reasonable excuse".



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*Government Railways (Further Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE GOVERNMENT RAILWAYS ACT,  
1912—*continued.*

(b) Section 130 (1) (a1)—

5 After section 130 (1) (a), insert :—

(a1) travels or attempts to travel in any carriage  
employed on any railway without having  
previously paid his fare and fails, without  
10 reasonable excuse, on demand made by an  
officer authorised by the Authority in that  
behalf, to pay his fare; or

(c) Section 130 (1) (b)—

Omit “with intent to avoid payment thereof”, insert  
instead “without reasonable excuse”.

15 (d) Section 130 (1) (d)—

Omit “with intent to avoid payment of the additional  
fare,”, insert instead “without reasonable excuse,”.

(e) Section 130 (1)—

Omit “forty dollars”, insert instead “\$200”.

20 (f) Section 130 (3)—

After section 130 (2), insert :—

(3) It is not a defence to a prosecution under  
subsection (1) (a) for a person to prove—

25 (a) that the time taken or likely to have been  
taken in payment of his fare before travel-  
ling or attempting to travel in a carriage  
would or may have caused him to have  
been unable to so travel or attempt to  
travel; or



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*Government Railways (Further Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE GOVERNMENT RAILWAYS ACT,  
1912—*continued.*

5 (b) that he intended to pay his fare while travelling or on arriving at a point,

unless he proves that he entered the carriage or attempted to enter the carriage at a station and—

10 (c) that it appeared to him, after reasonable investigation, that no facilities were available to him at that station to enable him to effect payment of his fare before so entering or attempting to enter; or

15 (d) that he had arrived at that station within such period of time before so entering or attempting to enter as would, in the circumstances ordinarily existing at the time of the day and on the day of the week at and on which he so entered or attempted to enter, have enabled him to have effected  
20 payment of his fare before so entering or attempting to enter, that he diligently took all steps reasonably necessary to so effect payment of his fare, but that he was  
25 unable, due to circumstances beyond his control, to so effect payment of his fare.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980

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