

# CONCURRENCE COPY

## GOVERNMENT RAILWAYS (AMENDMENT) BILL, 1982

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### EXPLANATORY NOTE

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

This Bill is cognate with the Transport Authorities (Amendment) Bill, 1982.

The object of this Bill is to amend the Government Railways Act, 1912, so as—

- (a) to remove, with effect from 1st July, 1980, certain restrictions imposed by that Act on the levying of tolls and charges in respect of railway services (Schedule 1 (2) and (5)); and
- (b) to make further provision with respect to the manner in which the terms and conditions of carriage on railways are to be determined (Schedule 1 (3)).

The Bill also contains other provisions of a minor, ancillary, consequential or saving nature.

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(b) to make further provision with respect to the manner in which the terms and conditions of carriage on railways are to be determined (Schedule 1 (3)).

The Bill also contains other provisions of a minor, ancillary, consequential or saving nature.



**GOVERNMENT RAILWAYS (AMENDMENT) BILL, 1982**

It is 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 Senate as follows:—

No. , 1982.

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**A BILL FOR**

An Act to amend the Government Railways Act, 1912, so as to remove certain restrictions imposed by that Act on the levying of tolls and charges in respect of railway services and to make further provision with respect to the manner in which the terms and conditions of carriage on railways shall be determined; and for other purposes.

[Mr Cox—1 April, 1982.]

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*Government Railways (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:—

**5 Short title.**

1. This Act may be cited as the "Government Railways (Amendment) Act, 1982".

**Commencement.**

2. (1) Except as provided in subsection (2), this Act shall commence on 10 the date of assent to this Act.

(2) Section 3, in its application to Schedule 1 (2) and (5), and Schedule 1 (2) and (5) shall be deemed to have commenced on 1st July, 1980.

**Amendment of Act No. 30, 1912.**

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

**Saving.**

4. Any special tolls or charges, special scale of tolls or charges or special rebates of tolls or charges—

20 (a) framed or prescribed under section 32 of the Government Railways Act, 1912; and

(b) in force immediately before the commencement of this section,

shall be deemed to have been determined by appropriate orders made under section 71 of the Transport Authorities Act, 1980.

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*Government Railways (Amendment).*

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## SCHEDULE 1.

(Sec. 3.)

## AMENDMENTS TO THE GOVERNMENT RAILWAYS ACT, 1912.

## (1) Section 1—

- 5 From the matter relating to Division 4 of Part II, omit “32”, insert instead “31”.

## (2) (a) Section 24 (1)—

- 10 Omit “demand reasonable tolls and charges in respect thereof”, insert instead “, subject to this Act, demand in respect thereof the tolls and charges from time to time determined in accordance with relevant orders in force under section 71 of the Transport Authorities Act, 1980”.

## (b) Section 24 (1A), (2)—

Omit the subsections.

## 15 (c) Section 24 (7)—

Omit “(1A)”, insert instead “(1)”.

## (3) Section 24B—

After section 24A, insert:—

**Terms and conditions of carriage.**

- 20 24B. Subject to this Act and to any by-laws in force under this Act, the terms and conditions—

(a) upon which passengers shall be carried; and

(b) upon which—

- 25 (i) passengers' luggage;  
(ii) goods;  
(iii) livestock; and



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*Government Railways (Amendment).*

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

(iv) other freight,

shall be collected, received, kept, carried or delivered,

5 by the Authority are the terms and conditions from time to time determined in accordance with relevant orders in force under section 71 of the Transport Authorities Act, 1980.

(4) Section 32—

Omit the section.

10 (5) Section 35—

Omit the section.

(6) Section 39—

Omit the section.

(7) (a) Section 64 (2)—

15 After "Commissioner," insert "including the whole or any part of an order in force under section 71 of the Transport Authorities Act, 1980,".

(b) Section 64 (3)—

After section 64 (2), insert:—

20 (3) Where a by-law made under this section adopts and incorporates by reference the whole or any part of an order in force under section 71 of the Transport Authorities Act, 1980, it may so adopt and incorporate the order or part as in force from time to time or at a time specified in the by-law.

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*Government Railways (Amendment).*

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SCHEDULE 1—*continued.*

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

(8) Section 65 (3), (4)—

After section 65 (2), insert:—

5           (3) The modifications referred to in subsection (2) (b) do not apply in respect of the whole or any part of an order made under section 71 of the Transport Authorities Act, 1980, being an order which has been published in the Gazette under that section.

10           (4) A person is not guilty of an offence by reason of his committing a breach of a by-law which adopts an order or part of an order made under section 71 of the Transport Authorities Act, 1980, unless the offence consists only of a breach which relates to the determination or applicability of a toll or charge payable under the  
15 order.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

(24c)

Government Railways (Amendment)

SCHEDULE I—continued.

AMENDMENTS TO THE GOVERNMENT RAILWAYS ACT, 1912—continued.

(8) Section 62 (3), (4)—

After section 62 (2), insert:—

(3) The modifications referred to in subsection (2) (b) do not apply in respect of the whole or any part of an order made under section 71 of the Transport Authorities Act, 1980, being an order which has been published in the Gazette under that section.

(4) A person is not guilty of an offence by reason of his committing a breach of a by-law which adopts an order or part of an order made under section 71 of the Transport Authorities Act, 1980, unless the offence consists only of a breach which relates to the determination or applicability of a toll or charge payable under the order.



**GOVERNMENT RAILWAYS (AMENDMENT) ACT, 1982 No. 20**

**New South Wales**



ANNO TRICESIMO PRIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 20, 1982.**

An Act to amend the Government Railways Act, 1912, so as to remove certain restrictions imposed by that Act on the levying of tolls and charges in respect of railway services and to make further provision with respect to the manner in which the terms and conditions of carriage on railways shall be determined; and for other purposes. [Assented to, 22nd April, 1982.]

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*Government Railways (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 (Amendment) Act, 1982".

**Commencement.**

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 3, in its application to Schedule 1 (2) and (5), and Schedule 1 (2) and (5) shall be deemed to have commenced on 1st July, 1980.

**Amendment of Act No. 30, 1912.**

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

**Saving.**

4. Any special tolls or charges, special scale of tolls or charges or special rebates of tolls or charges—

(a) framed or prescribed under section 32 of the Government Railways Act, 1912; and

(b) in force immediately before the commencement of this section,

shall be deemed to have been determined by appropriate orders made under section 71 of the Transport Authorities Act, 1980.

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*Government Railways (Amendment).*

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## SCHEDULE 1.

(Sec. 3.)

## AMENDMENTS TO THE GOVERNMENT RAILWAYS ACT, 1912.

## (1) Section 1—

From the matter relating to Division 4 of Part II, omit “32”, insert instead “31”.

## (2) (a) Section 24 (1)—

Omit “demand reasonable tolls and charges in respect thereof”, insert instead “, subject to this Act, demand in respect thereof the tolls and charges from time to time determined in accordance with relevant orders in force under section 71 of the Transport Authorities Act, 1980”.

## (b) Section 24 (1A), (2)—

Omit the subsections.

## (c) Section 24 (7)—

Omit “(1A)”, insert instead “(1)”.

## (3) Section 24B—

After section 24A, insert:—

**Terms and conditions of carriage.**

24B. Subject to this Act and to any by-laws in force under this Act, the terms and conditions—

(a) upon which passengers shall be carried; and

(b) upon which—

(i) passengers' luggage;

(ii) goods;

(iii) livestock; and



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*Government Railways (Amendment).*

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

(iv) other freight,

shall be collected, received, kept, carried or delivered, by the Authority are the terms and conditions from time to time determined in accordance with relevant orders in force under section 71 of the Transport Authorities Act, 1980.

(4) Section 32—

Omit the section.

(5) Section 35—

Omit the section.

(6) Section 39—

Omit the section.

(7) (a) Section 64 (2)—

After "Commissioner," insert "including the whole or any part of an order in force under section 71 of the Transport Authorities Act, 1980,".

(b) Section 64 (3)—

After section 64 (2), insert:—

(3) Where a by-law made under this section adopts and incorporates by reference the whole or any part of an order in force under section 71 of the Transport Authorities Act, 1980, it may so adopt and incorporate the order or part as in force from time to time or at a time specified in the by-law.

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*Government Railways (Amendment).*

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SCHEDULE 1—*continued.*

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

(8) Section 65 (3), (4)—

After section 65 (2), insert:—

(3) The modifications referred to in subsection (2) (b) do not apply in respect of the whole or any part of an order made under section 71 of the Transport Authorities Act, 1980, being an order which has been published in the Gazette under that section.

(4) A person is not guilty of an offence by reason of his committing a breach of a by-law which adopts an order or part of an order made under section 71 of the Transport Authorities Act, 1980, unless the offence consists only of a breach which relates to the determination or applicability of a toll or charge payable under the order.

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

J. A. ROWLAND,  
*Governor.*

*Government House,  
Sydney, 22nd April, 1982.*







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