

GOVERNMENT RAILWAYS BILL.

Schedule of Amendments to be proposed in Committee of the Whole.

BY MR. TRICKETT:—

Page 3, clause 8, lines 19 to 37. *Omit* sub-section (I) *insert* the following new sub-section:—

- (I) (a) A Commissioner may be suspended by a writing under the hand of the Governor addressed to the Minister, and suspending such Commissioner from his office for misbehaviour; Provided that a full statement of the cause of such suspension shall be laid by the Minister before both Houses of Parliament within seven days after such suspension, if Parliament be in Session, and if Parliament be not in Session, then within seven days after the commencement of the next Session thereof.
- (b) A Commissioner may be removed by a recommendation of the Governor to that effect, which shall first have been laid before both Houses of Parliament, and have been affirmed by a Resolution of each House.
- (c) A Commissioner, suspended under the provisions of sub-section (a) hereof, shall be restored to his office if within four weeks from the date of such suspension he shall not have been removed by virtue of a recommendation of the Governor affirmed by a Resolution of both Houses; Provided that, if at the time of such suspension Parliament be not in Session, such period of four weeks shall date from the commencement of the next Session thereof.

Page 4, clause 12. *Omit* clause 12, *insert* the following new clause:—

The Commissioner presiding at a meeting of the Commissioners shall, in the event of an equal division of votes at such meeting, have a second or casting vote. In the absence of the Chief Commissioner, the other Commissioners shall agree as to who shall be Chairman, but in the event of their not agreeing, the Commissioner who is senior in the Service shall take the Chair and preside at such meeting.

Page 7, clause 27, line 10. *After* “transferable, viz.,” *insert* “Every child, authorizing such child to travel in a suitable railway carriage or van to and from any primary school, private or otherwise, provided that such school shall be the one nearest to the residence of the parents or guardians of such child”Page 15, clause 53, line 23. *After* “issue” *insert* “and prevention of abuse”

BY SIR ALFRED STEPHEN:—

Page 2, clause 1, line 13. *After* “vested” *insert*—

“Carriage” includes any compartment open to passengers on a tramway or a railway line, and includes equally any seat therein.

Page 10, clause 38, line 3. *After* “fare” *insert*—

- (v) Enter any carriage when intoxicated, or having entered a carriage in that state, shall not leave the same on being requested so to do;
- (vi) Use any indecent language while in a carriage in the hearing of any other passenger, or shall be guilty of any insulting or offensive behaviour, or use any insulting or offensive language to any other passenger;
- (vii) Knowingly leave a carriage on the forbidden side, or otherwise wilfully violate any other lawful regulation of the Commissioners;
- (viii) Wilfully injure any seat, cushion, window, or other part of a carriage, or commit any nuisance therein.

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Schedule of Amendments to be proposed in Committee of the Whole.

By Mr. TICKETT:—

Page 3, clause 8, lines 19 to 27. Omit sub-section (1) insert the following new sub-section:—

(1) (a) A Commissioner may be suspended by a writing under the hand of the Governor addressed to the Minister, and suspending such Commissioner from his office for misbehaviour; Provided that a full report of the cause of such suspension shall be laid by the Minister before both Houses of Parliament within a period of three months after the date when the suspension is made, and that if Parliament be in Session, the report shall be laid in Session, then within seven days after the commencement of the next Session thereof.

(b) A Commissioner may be removed from office on recommendation of the Governor to the Minister, and such recommendation shall not have effect until it has been affirmed by a Resolution of both Houses of Parliament.

(c) A Commissioner shall be deemed to have resigned his office if he has been absent from the office for a period of three months, and if he has not been removed from the office by the Governor within that period. Provided that, if at the time of his resignation he is not in Session, such resignation shall not take effect until the commencement of the next Session of Parliament.

Page 4, clause 10, lines 1 to 3. Insert the following new

sub-section:—
(1) A Commissioner shall be deemed to have resigned his office if he has been absent from the office for a period of three months, and if he has not been removed from the office by the Governor within that period. Provided that, if at the time of his resignation he is not in Session, such resignation shall not take effect until the commencement of the next Session of Parliament.

By Mr. TICKETT:—

Page 5, clause 11, line 1. Insert the following new sub-section:—
(1) A Commissioner shall be deemed to have resigned his office if he has been absent from the office for a period of three months, and if he has not been removed from the office by the Governor within that period. Provided that, if at the time of his resignation he is not in Session, such resignation shall not take effect until the commencement of the next Session of Parliament.

Page 10, clause 15, line 1. Insert the following new sub-section:—
(1) A Commissioner shall be deemed to have resigned his office if he has been absent from the office for a period of three months, and if he has not been removed from the office by the Governor within that period. Provided that, if at the time of his resignation he is not in Session, such resignation shall not take effect until the commencement of the next Session of Parliament.

(v) Any person who is guilty of any offence under this section shall be liable to be removed from the office of Commissioner.

(vi) Any person who is guilty of any offence under this section shall be liable to be removed from the office of Commissioner.

(vii) Any person who is guilty of any offence under this section shall be liable to be removed from the office of Commissioner.

(viii) Any person who is guilty of any offence under this section shall be liable to be removed from the office of Commissioner.

(ix) Any person who is guilty of any offence under this section shall be liable to be removed from the office of Commissioner.

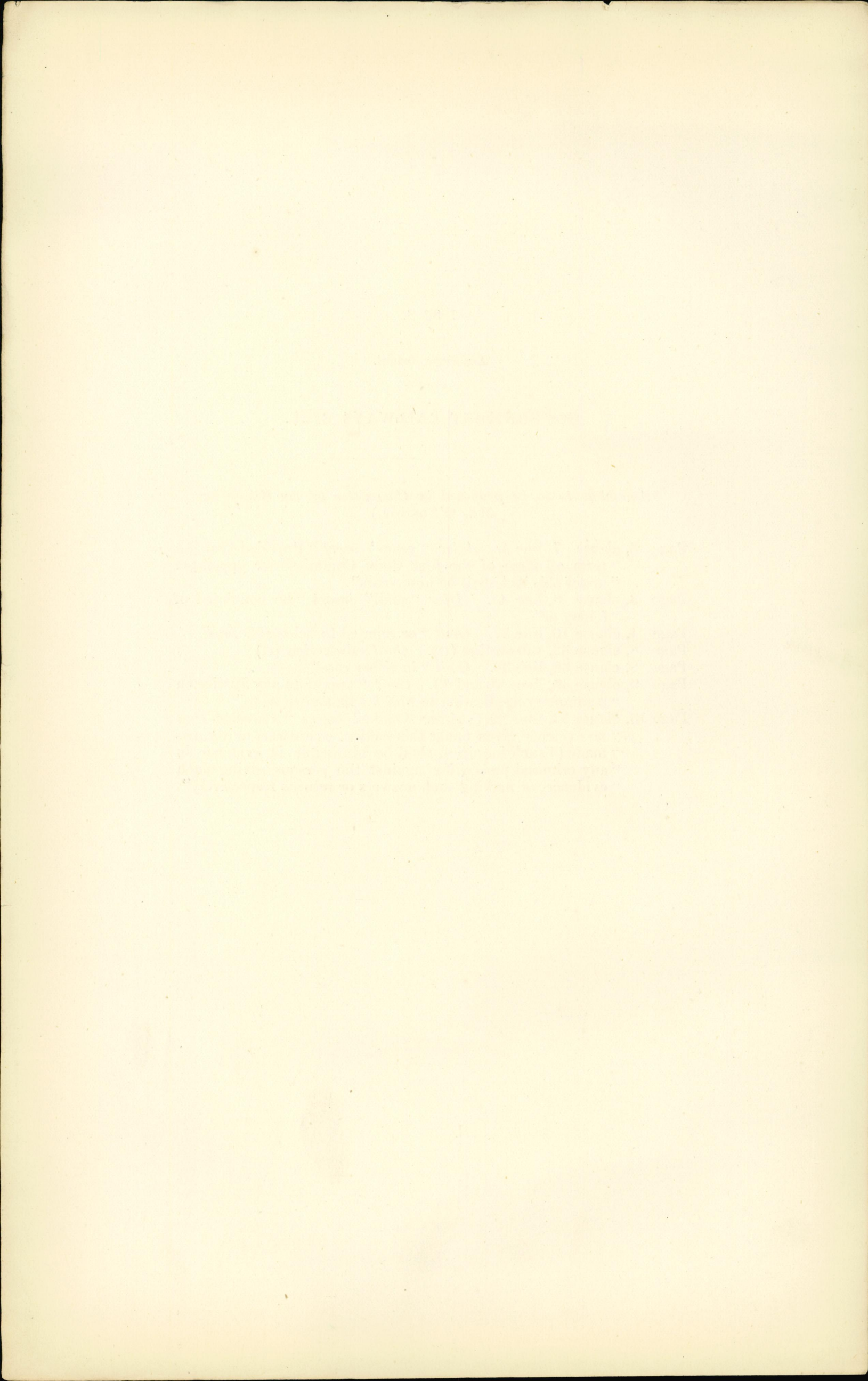
1887-8.

Legislative Council.

GOVERNMENT RAILWAYS BILL.

(Amendments to be proposed in Committee of the Whole by
MR. O'CONNOR.)

- Page 3, clause 7, line 4. *After* "years" *insert* "Provided that the
"term of office of the first Chief Commissioner appointed
"under this Act shall be nine years"
- Page 3, clause 8, line 41. *After* "shall" *insert* "be convicted of
"felony or"
- Page 4, clause 16, line 57. *Omit* "or reputed to belong thereto"
- Page 8, clause 32, sub-section (II). *Omit* sub-section (II)
- Page 8, clause 32, line 30. *Omit* "in either case"
- Page 9, clause 36, lines 38 and 39. *Omit* "appear to any Justice on
"a summary application to him for that purpose to"
- Page 13, clause 52, line 20. *After* "make" *insert* "Provided that
"no evidence given under this section, or answers or returns
"made to such inquiries, shall be admissible in evidence in
"any criminal proceeding against the persons giving such
"evidence, or making such answers or returns respectively"



1887-8.

Legislative Council.

GOVERNMENT RAILWAYS BILL.

(Amendments to be proposed in Committee of the Whole [on re-committal] by THE ATTORNEY-GENERAL.)

- Page 4, clause 16, sub-section (i), line 48. *Omit* "and tramways"
Page 4, clause 16, sub-section (i), line 51. *Omit* "or tramways"
Page 4, clause 16, line 51. *After* "all railways" *insert* "and
"rolling stock"
Page 4, clause 16, sub-section (i), line 52. *Omit* "and tramways"
Page 4, clause 16, sub-section (ii), lines 56 and 57. *Omit* all words
after "railways" to end of sub-section; *insert* "being on
"Crown Land or land acquired by or on behalf of Her
"Majesty"
Page 5, clause 16, sub-section (iii), line 1. *After* "land" *insert*
"being Crown Land or land acquired or which may be
"acquired for or on behalf of Her Majesty"
Page 5, clause 16, sub-section (iv), line 4. *Omit* "land"; *insert*
"Crown Land or land acquired for or on behalf of Her
"Majesty"
Page 5, clause 16, sub-section (iv), line 5. *Omit* "or tramways"
Page 5, clause 16, sub-section (v), line 7. *Omit* "or by any corpora-
"tion or person"
Page 5, clause 16, sub-section (v), lines 8 and 9. *Omit* "or tramway"
Page 5, clause 16, sub-section (vi), lines 11 and 12. *Omit* "or
"tramway"
Page 5, clause 16, sub-section (vii), line 14. *After* "which" *insert*
"posts"
Page 5, clause 16, sub-section (vii), line 15. *Omit* "any corporation
"or person;" *insert* "the Commissioner for Railways or any
"person for or on behalf of Her Majesty"
Page 5, clause 16, sub-section (vii), line 17. *Omit* "or tramways"
Page 6, clause 23, sub-section (ii). *Omit* this sub-section
Page 6, clause 23. *Insert* following as sub-section (ii):—

Whenever it shall appear to the Commissioners that for the purpose of continuing or renewing the traffic on any existing line a partial reconstruction, or duplication, or other addition to, or extension of, the roadway of any existing line, or part of any such line, or any bridge, viaduct, or other work; or that the laying of new rails, or that any other repair or alteration of any line or work vested in them is necessary, they shall undertake, execute, and carry out such reconstruction, duplication, or addition, or extension so far as may be required for such purpose.

- Page 13, clause 52. *Insert* following, after line 42, as sub-section (v):
No answers or declarations of any person examined under this section shall be admissible in evidence in any proceeding against such person other than a prosecution for perjury, or for giving or making false answers or declarations.

GOVERNMENT RAILWAYS BILL.

(Amendments to be proposed, in postponed clauses, in Committee of the Whole by the ATTORNEY GENERAL)

Page 3, clause 8. Omit sub-sections (1), (a) and (b).

Page 3, clause 8. Insert following as sub-sections (1), (a) and (b):—

(1) (a) A Commissioner may be suspended from his office by the Governor for misbehaviour, but shall not be removed from office except as hereinafter provided. The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven days after such suspension if Parliament be in Session and actually sitting, and when Parliament is not in Session or not actually sitting within seven days after the commencement of the next Session or sitting.

(b) A Commissioner suspended under this section shall be restored to office unless each House of Parliament shall within twenty-one days from the time when such statement shall have been laid before it declare by resolution that the said Commissioner ought to be removed from office, and if each House of Parliament shall within the said time so declare, the said Commissioner shall be removed by the Governor accordingly.

Page 6, clause 22. Omit this clause.

Page 6, clause 22. Insert following as clause 22:—

It shall be the duty of the Commissioners to maintain the railways and all works in connection therewith in a state of efficiency, and to carry persons, animals, and goods without negligence or delay; and in respect of the carriage of persons, animals, and goods, the Commissioners shall be common carriers.

Page 9, clause 36, line 39. Omit "Justice"; insert "Magistrate or two Justices"

Page 9, clause 36, line 39. After "him" insert "or them"

Page 9, clause 37, line 41. Omit "Justice" insert "Magistrate or two Justices"

Page 9, clause 37, line 49. Omit "Justice"; insert "Magistrate or Justices"

Page 9, clause 37, line 49. After "his" insert "or their"

Page 20, clause 84, line 51. Omit "Stipendiary or Police"

Page 20, clause 84, line 51. After "Magistrate" insert "or two Justices"

Page 21, clause 88, line 37. Omit "Stipendiary or Police"

Page 22, clause 90, line 4. Omit "the Commissioners"; insert "a Commissioner"

Page 22, clause 90, line 4. Omit "them"; insert "the Commissioners"

Page 22, clause 90, line 5. Omit "they or"

Page 22, clause 90, line 6. Omit "do or"

Page 22, clause 90, line 10. Omit "bringing"; insert "apprehension of"

- Page 22, clause 90, line 10. *After* "servant"; *insert* "to be brought
"before"
- Page 22, clause 90, line 10. *Omit* "Stipendiary or Police"
- Page 22, clause 90, line 19. *Omit* "Stipendiary or Police"
- Page 22, clause 90, line 22. *After* first "the" *insert* "said"
- Page 22, clause 90, line 22. *Omit* "of the Commissioners"
- Page 22, clause 90, line 25. *Omit* "he"; *insert* "they"
- Page 24, clause 97, line 2. *Omit* "Stipendiary or Police"
- Page 24, clause 98, line 8. *Omit* "any one or more Justices"; *insert*
"a Magistrate or two Justices"
- Page 24, clause 98, lines 9 and 10. *Omit* "Stipendiary or Police"
- Page 24, clause 98, line 10. *After* "Magistrate" *insert* or two
"Justices"
- Page 24, clause 98, line 12. *After* "Magistrate" *insert* "or Justices"
- Page 24, clause 98, line 15. *After* "Magistrate" *insert* "or Justices"
- Page 24, clause 98, line 16. *After* "he" *insert* "or they"
- Page 24, clause 99, line 20. *Omit* "Stipendiary or Police"
- Page 24, clause 99, line 21. *After* "therewith" *insert* "And where
"any such penalty so recovered or where any sum of money
"payable under this Act shall not be paid either immediately
"after conviction or adjudication or within the time ap-
"pointed thereby, payment may be enforced by distress and
"sale of the offenders' or defaulters' goods and chattels in
"the manner provided by the said Act"
- Page 24, clause 100, line 27. *After* "Magistrate"; *insert* "or Justices"
- Page 24, clause 100, line 30. *After* "Magistrate"; *insert* "or Justices"
- Page 24, clause 100, line 30. *After* "his" *insert* "or their"
- Page 24, clause 101, line 33. *Omit* "Magistrate"; *insert* "Justice or
"Justices"
- Page 24, clause 101, line 42. *Omit* "Magistrate or any"
- Page 25, clause 104, sub-section (I), line 3. *Omit* "one year; *insert*
"six months"
- Page 25, clause 104, sub-sections (II) and (III). *Omit* these sub-
sections
- Page 25, clause 104. *Insert* following as sub-section (II) :—
(II) No action shall be commenced against the Commissioners or
any person for anything done or purporting to have been
done by them or him under this Act, until one month, at
least, after a notice in writing of such intended action shall
have been delivered to them or him, or left at their or his
usual place of business, or at the office of the Solicitor for
Railways, by the party intending to commence such action,
or by his attorney or agent, in which said notice the cause
of action and the Court in which the same is intended to
be brought shall be clearly and explicitly stated, and upon
the back thereof shall be indorsed the name and place of
abode of the party so intending to sue, and also the name
and place of abode or of business of the attorney or agent,
if such notice shall have been served by such attorney or
agent.
- Page 25, clause 104. *Insert* following as sub-section (III) :—
(III) A notice under this section shall not be deemed invalid by
reason of any defect or inaccuracy therein, unless the Judge
before whom the action is tried shall be of opinion that the
defendant in the action has been prejudiced in his defence
by such defect or inaccuracy.