

## COMMONWEALTH RAILWAYS.

## No. 99 of 1956.

An Act to amend the *Commonwealth Railways Act*  
1917-1955.

[Assented to 15th November, 1956.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1.—(1.) This Act may be cited as the *Commonwealth Railways Act* 1956. Short title  
and citation.

(2.) The *Commonwealth Railways Act* 1917-1955\* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Commonwealth Railways Act* 1917-1956.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. Section two of the Principal Act is repealed and the following section inserted in its stead :—

“ 2. This Act is divided into Parts, as follows :— Parts.

Part I.—Preliminary (Sections 1-4).

Part II.—The Railways Commissioner.

Division 1.—Constitution, Appointment, and Tenure of Office (Sections 5-14).

Division 2.—Property (Sections 16-19).

Division 3.—Powers of the Commissioner (Sections 20-33A).

Division 4.—Duties of the Commissioner (Sections 34-45).

Part III.—The Railway Service (Sections 46-54).

Part IV.—Funds.

Division 1.—Plant and Stores Suspense Account (Section 55).

Division 2.—Railway Accident and Insurance Fund (Sections 56-57).

\* Act No. 31, 1917, as amended by No. 11, 1925; No. 87, 1938; Nos. 51 and 77, 1950; No. 64, 1954; and Nos. 18 and 69, 1955.

Part V.—Construction of New Railways (Sections 58–68).

Part VA.—Closing of Railways (Sections 68A–68C).

Part VI.—Penalties and Procedure (Sections 69–79).

Part VII.—Miscellaneous (Sections 80–87).

Part VIII.—By-laws (Section 88).”.

4. After Part V. of the Principal Act the following Part is inserted:—

“ PART VA.—CLOSING OF RAILWAYS.

Definition.

“ 68A. In this Part, ‘ railway ’ includes a part of a railway.

Closing of railway may be directed.

“ 68B.—(1.) The Governor-General may, if he is satisfied that a railway is no longer required, authorize the closing of that railway.

“ (2.) Notice of an authorization under the last preceding subsection shall be published in the *Gazette* and the Commissioner may close the railway accordingly.

Powers and obligations of Commissioner.

“ 68C.—(1.) Where, by virtue of the last preceding section, the Commissioner is authorized to close a railway, the Commissioner may do all such things as he considers necessary in relation to the closing of the railway and, in particular—

(a) may cause the railway to be taken up, dismantled or removed ;  
and

(b) may sell or otherwise dispose of all or any of the property (including land) vested in him as part of, or for the purposes of, the railway.

“ (2.) Where a railway that passes over and above, or over or along, a road is closed under this Part, the Commissioner shall, until the railway is taken up, dismantled or removed, continue to maintain—

(a) the piers, walls or other railway works under a railway bridge or other structure that carries the railway over and above the road ; or

(b) the surface of the roadway of the road,  
as the case may be, as though the railway had not been closed.

“ (3.) Where a railway that passes over and above a road is closed under this Part, the Commissioner shall, unless the local authority that has the control of the road becomes responsible for the maintenance of the bridge or other structure that carried the railway over and above the road—

(a) remove the bridge or other structure, including the piers, walls or other railway works and make any remaining embankments safe ; or

(b) remove the bridge or other structure other than the piers and walls and make the piers and walls safe.

“ (4.) Where the surface of a roadway is damaged by reason of the taking up or removal of a railway which is closed under this Part, the Commissioner shall restore the surface of the roadway.”.