



ANNO QUARTO

GEORGII V REGIS.

A.D. 1913.

No. 1144.

An Act to further amend "The South Australian Railways Commissioners Act, 1887," and "The Railways Clauses Consolidation Act," and for other purposes.

[Assented to, December 18th, 1913.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited alone as "The South Australian Railways Commissioners Act Amendment Act, 1913." Short titles.

(2) "The South Australian Railways Commissioners Act, 1887" (hereinafter called "the principal Act"), all Acts now in force amending that Act, and this Act, may be cited together as "The South Australian Railways Commissioners Acts, 1887 to 1913." No. 414 of 1887.

2. This Act is incorporated with the Acts mentioned or referred to in section 1, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

Disposal of Surplus Lands.

3. (1) Where it appears to the South Australian Railways Commissioner that any land or other property of any kind vested in him for the purposes of the principal Act or any Act now or hereafter amending or incorporated with that Act, or otherwise for railway purposes

Commissioner may dispose of surplus lands.
Cf. S.A.R.C. Act, 1887, s. 53, and Waterworks Act, 1882, s. 30.

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purposes, or for the purposes of any railway, is not required for any of the said purposes, he may, with the consent of the Governor—

- (a) sell such land or other property, or any estate, right, or interest therein, or
- (b) exchange such land or other property, or any estate, right, or interest therein, for any other land or property or any estate, right, or interest therein, or
- (c) dispose in any other way of such land or other property, or any estate, right, or interest therein,

for such price or other consideration as he deems sufficient and upon such (if any) terms and conditions as he deems proper.

May execute
assurances.

Cf. R.C. Act, 1887.
s. 53.

(2) For the purpose of carrying out any such transaction as mentioned in subsection (1) of this section, the Commissioner may execute any and every assurance, deed, instrument, and writing, and do all such other things, as may be deemed necessary or expedient.

Commissioner's
receipt sufficient
discharge.

Cf. Waterworks Act,
1882, s. 30.

(3) The Commissioner's receipt shall be a sufficient discharge for any moneys to be paid in pursuance of any such transaction, and it shall not be necessary for the person paying any such moneys to prove the consent of the Governor to any such transaction, nor to inquire whether or not a proper case has arisen for the exercise of any power conferred by this Act.

Application of
moneys received.

(4) All moneys received by the Commissioner in pursuance of any such transaction shall be held by him for the purposes of the principal Act: Provided that if the land or other property which, or any estate, right, or interest in which, is sold, exchanged, or disposed of under this Act was acquired by the Commissioner for any railway constructed on the "guarantee principle," interest on the moneys received in respect of the transaction, at the rate of four per centum per annum, shall be credited in the accounts required to be kept in respect of such railway so long as the guarantee provisions of any Act apply in respect of such railway.

Other powers
preserved.

(5) Nothing in this Act shall be deemed to derogate from any power vested in the Commissioner or any other person by the principal Act or any other Act or otherwise howsoever.

Report of
transactions to be
laid before Parliament
annually.

(6) The Commissioner shall in the month of July in every year present to the Governor a report stating—

- (a) particulars of all lands and properties (if any) with regard to which he has, during the period ending on the preceding thirtieth day of June, exercised any of the powers conferred by this section,
 - (b) how he has dealt therewith respectively under this section, and
 - (c) the price or other consideration, and the other terms or conditions (if any), in each case.
- Every

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Every such report shall be laid before both Houses of Parliament within fourteen days after it is presented to the Governor if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session.

Various Amendments.

4. Section 37 of the principal Act is amended by striking out the words "in quantities" in the twelfth line thereof.

Amendment of section 37 of Act No. 414 of 1887.

5. Sections 88 and 90 of "The Railways Clauses Consolidation Act" shall not apply to tolls on any railway under the control of the Commissioner.

Amendments of sections 88 and 90 of Act No. 7 of 1847. Posting of tolls.

6. Section 89 of "The Railways Clauses Consolidation Act" is amended by striking out the words "quarter of a" in the fourth line thereof.

Amendment of section 89 of Act No. 7 of 1847. Milestones.

7. Sections 105, 106, 107, and 108 of "The Railways Clauses Consolidation Act" shall not apply to any by-law or regulation made by the Commissioner under any power conferred by that Act or by the principal Act, or by any amendment of either of those Acts, or by any Act incorporated with either of those Acts.

Sections 105 to 108 of Ordinance No. 7 of 1847 not to apply to the Commissioner.

8. Section 85 of the principal Act is hereby repealed.

Repeal of section 85 of principal Act. Proof of exhibition of by-laws.

9. Section 3 of "The South Australian Railways Commissioners Further Amendment Act, 1906," is amended by inserting after subsection (8) thereof the following subsections:—

Amendment of section 3 of Act 912 of 1906.

(9) Being the person to whom a railway season ticket has been issued, permits any other person to be in possession of or to use such ticket, unless it has been transferred to such other person in accordance with the by-laws.

Offences relating to season tickets. Cf. 912, 1906, s. 3 (3).

(10) Travels or attempts to travel with or by means of a railway season ticket issued to any other person, unless such ticket has been transferred to him in accordance with the by-laws.

Cf. *ibid.* (4).

10. Section 8 of "The South Australian Railways Commissioners Further Amendment Act, 1906," is amended by adding thereto the following words:—"and the term 'ticket' includes season ticket."

Amendment of section 8 of Act 912 of 1906.

"Ticket" to include season ticket.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

DAY H. BOSANQUET, Governor.