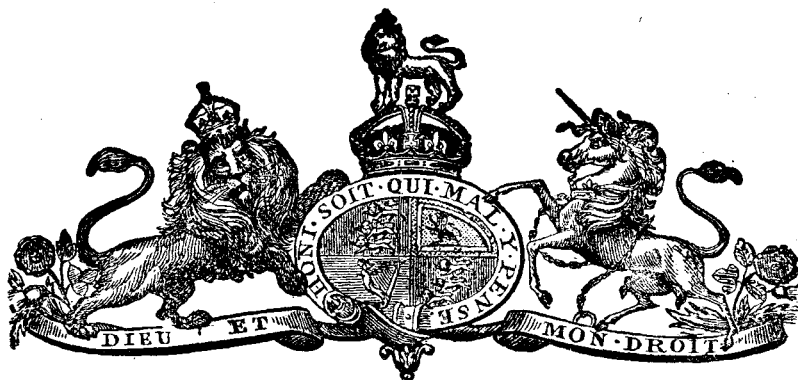


# TASMANIA.



1918.

ANNO NONO

GEORGII V. REGIS.

No. 6.

## ANALYSIS.

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| <ol style="list-style-type: none"><li>1. Short title.</li><li>2. Interpretation.</li><li>3. Minister may lease or arrange for persons to work Government tramways.</li><li>4. Special provisions with respect to leases.</li><li>5. Lessee may demand and take fares, rates, and charges, &amp;c.</li><li>6. Mode of payment of fares, rates, and charges.</li><li>7. Lessee to give Minister notice of accidents.</li><li>8. Inspection of Government tramways.</li><li>9. Validation of leases of Government tramways in existence.</li></ol> | <ol style="list-style-type: none"><li>10. Lessee to be responsible for damages.</li><li>11. Subject to lease and regulations, all persons may use Government tramways.</li><li>12. Government tramways not subject to provisions of 55 Vict. No. 40, except as herein set forth.</li><li>13. Regulations.</li><li>14. Minister may interfere summarily.</li><li>15. Recovery of penalties, fares, rates, and charges.</li><li>16. Where Tramway Act authorises regulations penalties may be imposed for breach.</li><li>17. Act not to apply to certain Government tramways.</li></ol> |
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AN ACT to enable the Minister of Lands and <sup>A.D.</sup> 1918.  
Works to Lease Government Tramways,  
and for other purposes. [25 September, 1918.]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

**1** This Act may be cited as “The Government Tramways Leasing Short title. Act, 1918.”

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Interpretation.  
Cf. No. 58 of  
1912 (W.A.).

**2** In this Act—

“Government” means the Government of Tasmania :

“Government tramways” or “tramways” means—

- i. Tramways acquired by the Government under any Act ;
- ii. Tramways constructed, or being at any time in course of construction by the Minister under the provisions of any Act ;
- iii. All other tramways the property of the Government, and declared by the Governor, by Order in Council, to be Government tramways within the meaning of this Act ;

and includes all lands, buildings, structures, works, wires, cables, equipment, plant, rolling-stock, machinery, appliances, and other effects belonging to the Government, and used for the purposes of any Government tramway :

“Lessee” means lessee of a Government tramway, or a part thereof :

“Minister” means the Minister of Lands and Works for the time being :

“The Railway Acts” means “The Railway Management Act, 1891,” and its amendments.

Minister may  
lease or arrange  
for persons to  
work Govern-  
ment tramways.  
Cf. 4 Geo. V. No.  
51, s. 8 (Tas.).

**3** Subject to the provisions of this Act, it shall be lawful for the Minister from time to time, with the consent of the Governor—

- i. To lease to any person any Government tramway, or any part thereof, for such period, and upon such terms and conditions in all respects as the Minister may approve. Every such lease shall contain such covenants by the lessee for the proper and efficient management, working, maintenance, and control by the lessee of such tramway or part thereof as the Minister may deem satisfactory.
- ii. To make such provision for the working under the Minister's control of any Government tramway, or any part thereof, as the Minister may approve.

Provided that in any case the management, working and control of a Government tramway shall be subject to such regulations as the Governor may think fit to make, and the Governor may make any regulations accordingly.

Special provisions  
with respect to  
leases.

**4** Every lease of a Government tramway or part thereof shall—

- i. Specify the maximum fares, rates, and charges which the lessee may demand and take in respect thereof :
- ii. Reserve to the Minister the right to appoint One or more officers to inspect the tramway during the continuance of the term granted by the lease, and for such officer or officers to enter upon the tramway for the purposes of any such inspection.

*Government Tramways Leasing*

**5** The lessee may demand and take in respect of the Government tramway or part thereof leased to him such fares, rates, and charges, not exceeding the maximum fares, rates, and charges specified in the lease.

A list of all the fares, rates, and charges shall be exhibited conspicuously at such places as may be specified in the lease or by the Minister, and it shall appear by such list to whom and where such fares, rates, and charges are payable.

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Lessee may demand and take fares, rates, and charges.

Cf. No. 309 of 1884, s. 35 (S.A.).

**6** The said fares, rates, and charges which shall be so demanded shall be paid to such persons, and at such places upon or near the tramway as shall be directed by notice attached to the list mentioned in the last preceding section of this Act.

Mode of payment of fares, rates, and charges.

A notice shall also be attached to such list specifying the description of traffic authorised in respect of the tramway.

**7** The lessee of a Government tramway or part thereof shall, within Forty-eight hours after the occurrence thereon of any accident attended with serious personal injury to the public, or to any person employed thereon, or with serious damage to any portion of such Government tramway, give notice thereof by a telegram to the Minister. If the lessee wilfully omits to give such notice he shall be liable on summary conviction to a penalty not exceeding Five Pounds for every day during which such omission continues.

Lessee to give Minister notice of accidents.  
Cf. N.Z., 1908, No. 160, s. 216.

**8—(1)** The Minister may from time to time appoint any proper person to inspect any Government tramway, and such appointment may be general, authorising the person so appointed to inspect all or any Government tramways as occasion may from time to time require; or special, applying to One or more sections of Government tramway specially named therein.

Inspection of Government tramways.  
*Ibid.*, s. 213 (N.Z.).

(2) Any person so appointed may, at all reasonable times, upon producing his warrant of appointment if required, enter upon and examine any such tramway, and the stations, works, and buildings and the engines and rolling stock belonging thereto or used therewith.

(3) Every person who wilfully obstructs any person duly appointed to inspect any Government tramway as aforesaid in the execution of his duty is liable on summary conviction to a penalty not exceeding Ten Pounds.

**9** All leases of Government tramways in force at the commencement of this Act are hereby declared to be valid and shall be deemed to have been made under the authority of this Act, and the management, working, and control of any such tramway shall be subject to such regulations as the Governor may think fit to make, and the Governor may make such regulations accordingly.

Validation of leases of Government tramways in existence.

**10** Where a Government tramway, or part thereof, is leased, the lessee thereof (and not the Minister or the Crown) shall alone be answerable for all accidents, damages, and injuries happening through his act or default, or through the act or default of any person in his employment, by reason or in consequence of any of his works or rolling-

Lessee to be responsible for damages.  
Cf. S.A., s. 66.

*Government Tramways Leasing.*

A.D. 1918.

No. 2739 of 1915  
schedule 2, Reg.  
21 (Vict.).Zeehan Tramway  
Act, 1891, s. 25.Subject to lease  
and regulations,  
all persons may  
use Government  
tramways.Cf., *Ibid*, S.A.,  
65.Government  
tramways not  
subject to provi-  
sions of 55 Vict.  
No. 40, except as  
herein set forth.

Regulations.

stock, and shall save harmless all authorities, companies, or bodies collectively and individually, and their officers and servants from all damages and costs in respect of such accidents, damages, and injuries.

**11** Subject to the provisions of the lease of a Government tramway, or part thereof, and to the regulations, and upon payment of the proper fares, rates, or charges, all persons shall, if the lease authorises the same, have a right to use, pursuant to such authority such tramway for travelling or for the carriage of goods thereon, or for both such purposes, as the case may be.

**12** Subject to the exceptions contained in Section Seventeen of this Act, notwithstanding anything in any Act contained, Government tramways shall not be deemed to be railways within the meaning of the Railway Acts, nor shall the provisions of such Acts apply to such tramways, save and except such provisions as the Governor extends and applies thereto under the power conferred upon him by the next succeeding section of this Act.

**13—(1)** The Governor may from time to time make regulations—

- i. Extending and applying any of the provisions of the Railway Acts with such alterations (if any) as the Governor may determine to the Minister or any lessee, or to or in respect of or for the purposes of Government tramways generally, or any class of Government tramway, or any specified Government tramway :
- ii. Empowering the Minister or any person on behalf of the Minister to do in respect of Government tramways all or any of the things which under or by virtue of Section Fourteen of "The Railway Management Act, 1891," the Commissioner for Railways may do in respect of any railway open for traffic :
- iii. For the management of Government tramways generally, or any class of Government tramway, or any specified Government tramway, upon all or any of the subjects upon which the Commissioner for Railways may make by-laws for the management of railways open for traffic :
- iv. As to all matters and things which by this Act are required or permitted to be prescribed or which the Governor deems necessary or convenient for giving effect to or carrying out the provisions of this Act.

(2) Any such regulation may impose penalties for offences against the same not exceeding Forty Shillings for each offence with or without further penalties for continuing offences not exceeding for any continuing offence Ten Shillings for every day during which the offence continues ; but all regulations shall be so framed in every case as to allow of part only of the maximum being ordered to be paid.

Minister may  
interfere  
summarily.

**14** If the breach or non-observance of any regulation is attended with danger or annoyance to the public or hindrance to the Minister or his lessees in the lawful use of a tramway, the Minister or any person

*Government Tramways Leasing.*

authorised by him either generally or as to a particular case may summarily interfere to obviate, remove, or stop such danger, annoyance, or hindrance, and that without affecting any penalty incurred by the offender. A.D. 1918.

**15** All penalties under this Act or under any regulation, and all fares, rates, and charges in respect of any Government tramway may be recovered and enforced in a summary way.

Recovery of penalties, fares, rates, and charges.  
Cf., S.A., s. 67.

**16** Whenever any present or future Act relating to a tramway authorises the making of regulations thereunder, but does not provide for the imposition of any penalty for the breach of any such regulation, there shall be deemed to be also included in such Act a provision that any such regulation may impose penalties for offences against the same not exceeding Forty Shillings for each offence, with or without further penalties for continuing offences not exceeding for any continuing offence Ten Shillings for every day during which the offence continues; but all regulations shall be so framed in every case as to allow of part only of the maximum being ordered to be paid.

Where Tramway Act authorise regulations penalties may be imposed for breach.

**17** The provisions of this Act (except Section Sixteen) shall not apply to the following Government tramways :—

Act not to apply to certain Government tramways.

- i. Ulverstone towards Nietta; and
- ii. Flowerdale line towards Preolenna,  
constructed under "The Public Works Execution Act 3 Geo. V., No. 44.  
(No. 2.) 1912"; and
- iii. Zeehan to North-East Dundas, constructed under the Act 59  
Victoriæ No. 7; and
- iv. Zeehan to Comstock, constructed under the Act 4 Victoriæ  
No. 63.

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