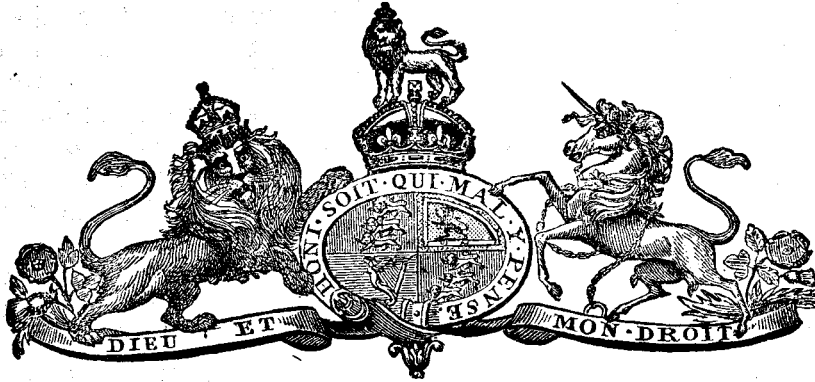


TASMANIA.



1917.

ANNO OCTAVO

GEORGII V. REGIS.

No. 7.

ANALYSIS

1. Short title.
2. Repeal and re-enactment of Section 59 of Principal Act.  
Dangerous trees, &c., to be removed from near railways.



AN ACT to further amend "The Railway Management Act, 1891," and for other purposes. [12 October, 1917.]

A.D.  
1917.

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 Railway Management Act, 1917," and shall be construed as one with "The Railway Management Act, 55 Vict. No. 40, 1891," in this Act called the Principal Act,

4d.]

*Railway Management.*

A.D. 1917.

Repeal and re-enactment of Section Fifty-nine of the Principal Act.

Dangerous trees, &c., to be removed from near railways.

Cf. Railways Act, 1915, s. 79 (Vict.).

Cf. Post and Telegraph Act, 1901, s 87 (Com.).

**2** Section Fifty-nine of the Principal Act is hereby repealed, and the following section substituted in its stead :—

“**59**—(1) If upon the report of an engineer the Commissioner of Railways is of opinion that any trees (whether timber or other trees) being within Two hundred feet from either side of the railway might, by their liability to fall or otherwise, obstruct the traffic on or injure any railway, such Commissioner may cause notice to be given to the owner or occupier of the land whereon such trees are situate, to remove such trees; and in default of such removal he may cause the trees to be removed.

“(2) Such trees (whether timber or other trees), or scrub, or underwood as, in the opinion of the Commissioner of Railways or other officer duly authorised by him, obstruct or impede, or are likely to obstruct or impede a view of any signal post or crossing from any portion of the railway line which is within One mile in a right line from any such signal post, or crossing, if growing upon Crown lands, or upon any road, street, or highway, may, after notice to the local or other authority having the care or management thereof, be cut down or lopped as may be deemed necessary by the said Commissioner or such officer after consultation with such authority; and, if growing upon private lands, then the proprietor or occupier of such private lands shall cut down or lop the same as and when required so to do by the said Commissioner or such officer, and upon default the said Commissioner or such officer may enter upon the said private lands, and cause such trees, scrub, and underwood to be cut or lopped as may be deemed necessary.

“(3) This Act shall be sufficient to indemnify the Commissioner of Railways, and his officers, servants, agents, and workmen, and all persons whomsoever, for what he or any of them shall reasonably do by virtue of the powers by this section granted.

*Ibid*, s 90 (Com.).

“(4) In the exercise of the powers conferred by this section the Commissioner of Railways or officer so authorised as in this section mentioned, shall do as little damage as possible, and the said Commissioner shall make adequate compensation to all local authorities and persons interested for any damage sustained by them by reason of the exercise of such powers.

56 Vict. No. 8.

“(5) The compensation, if the amount cannot be otherwise agreed upon, shall be settled by arbitration under “The Arbitration Act, 1892,” in the mode prescribed by that Act, except that a police magistrate nominated by the Minister shall be sole arbitrator, and his decision shall be final.”