

## TASMANIA.

RAILWAY MANAGEMENT ACT (No. 2),  
1921.

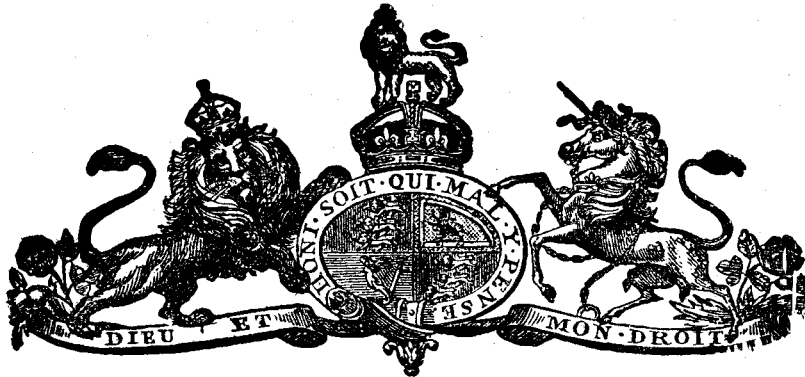
## ANALYSIS.

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| <p>1. Short title and incorporation with 55 Vict. No. 40.</p> <p>2. Amendment of Section 14 of the Principal Act.</p> <p>3. Amendment of Section 16 of the Principal Act.</p> <p>4. Amendment of Section 19 of the Principal Act.</p> <p>5. Repeal and re-enactment of Section 20 of the Principal Act.<br/>In default of payment of rates, &amp;c., goods may be detained and sold. Service of notice deemed a demand.</p> <p>6. Repeal and re-enactment of Section 23 of the Principal Act.<br/>Subject to this Act and the by-laws, &amp;c., all persons may use railways.</p> <p>7. Liability for loss after transit restricted.<br/>Limit of damages for personal injury. Plaintiff in action for personal injury to submit to examination.<br/>Commissioner may inspect contents of packages.<br/>Proof of fares, conditions, and regulations.</p> | <p>Effect of endorsement of certain words on railway documents.</p> <p>8. Amendment of Section 24 of the Principal Act.</p> <p>9. Sewage not to be emptied on railway. Water in reservoirs not to be polluted.</p> <p>10. No person to sell railway tickets without authority.<br/>No person to make or import railway tickets.</p> <p>11. Repeal and re-enactment of Section 28 of the Principal Act.<br/>Passengers travelling without paying fares.</p> <p>12. Repeal and re-enactment of Section 29 of the Principal Act.<br/>Summary interference in certain cases of contravention of this Act.<br/>Certain offenders may be arrested.</p> <p>13. Commissioner to take no responsibility outside of limits of a railway.</p> <p>14. Repeal and re-enactment of Section 63 of the Principal Act.<br/>Recovery of charges.</p> <p>15. Repeal and re-enactment of Section 26 of the Act of 1910.</p> |
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T A S M A N I A.

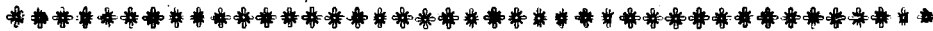


1921.

ANNO DUODECIMO

GEORGII V. REGIS.

No. 64.



AN ACT to further amend "The Railway Management Act, 1891," and for other purposes. [14 February, 1922.]

A.D. 1921.

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—(1) This Act may be cited as "The Railway Management Act (No. 2), 1921," and shall be incorporated and read as one with "The Railway Management Act, 1891," hereinafter called the Principal Act. (2) In this Act the expression "the Act of 1910," means "The Railway Management Act, 1910."

Short title and incorporation with 55 Vict. No. 40. 1 Geo. V. No. 63.

2 Section Fourteen of the Principal Act is hereby amended as follows:—

Amendment of Section 14 of the Principal Act.

- 1. By inserting after Paragraph 1, the following paragraph:— "1A. May make time-tables showing the times of arrival and departure of trains at stations":

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ii By omitting Paragraph iv. and substituting the following paragraph therefor:—

“ iv. May fix higher rates for the carriage of certain goods at the Commissioner’s risk than for the carriage of such goods at owner’s risk ; and may determine that certain goods shall be carried at owner’s risk only : Provided that in respect of goods carried without charge, the Commissioner shall take no liability or responsibility for any loss, detention, injury, damage, non-delivery, misdelivery, or delay, whatsoever and howsoever occasioned ” :

iii. By inserting after Paragraph v. the following paragraphs:—

“ va. May impose conditions upon which passenger’s luggage shall be carried, and regulate the checking of such luggage, and provide for the exemption of the Commissioner from all liability in respect of unchecked passenger’s luggage or for limiting such liability :

“ vb. May regulate the conditions under which, and the times at which, dangerous goods and explosives may be carried, and the loading and unloading of explosives at or near stations and sidings ” :

iv. By omitting Sub-paragraph (b) of Paragraph vi. :

v. By inserting after Sub-paragraph (l) the following sub-paragraphs:—

“ (m) Regulating the admission of the public to any railway station, building, or premises, and fixing charges therefor, and dispensing with the same on certain days or for certain times ;

“ (n) Prohibiting the carriage of diseased animals, and preventing them from coming on any station or premises ;

“ (o) Prohibiting the carriage of persons suffering from infectious or contagious diseases ;

“ (p) Regulating and determining the conditions upon and subject to which free passes shall be issued and used ;

“ (q) Regulating the seating of passengers ;

“ (r) Prohibiting persons from loitering on any railway to the inconvenience of the railway officers, passengers, or intending passengers, or from obstructing the good government and maintenance of order thereon, and providing for the removal from a railway by any railway officer, or any member of the police force, of any person so loitering or otherwise offending against the by-law.

Cf. 5 Geo. V.  
No. 24 (Q.),  
Second Schedule,  
para. 6.

Cf. *ibid.*, para. 19.

Cf. *ibid.*, para. 28.

Cf. *ibid.*, para. 27.

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**3** Section Sixteen of the Principal Act is hereby amended as follows:—

I. By inserting after the word "shall" in the fourth line of Paragraph II. the following words:—"except as in this Act otherwise provided":

Amendment of Section 16 of the Principal Act.

II. By inserting after Paragraph v. the following paragraph:—

"VI. Notwithstanding anything in this Act contained or any law to the contrary, it shall be lawful for the Commissioner to enter into any special contract with any person for the carriage, delivery, or custody of any goods upon such conditions in all respects as he may think fit."

**4** Section Nineteen of the Principal Act is hereby amended by omitting the last paragraph of the said section, and substituting the following paragraph therefor:—

Amendment of Section 19 of the Principal Act.

"Such rates and charges shall be recoverable in the same manner as other rates and charges fixed by the Commissioner under this Act are recoverable."

**5** Section Twenty of the Principal Act is hereby repealed, and the following section substituted therefor:—

Repeal and re-enactment of Section 20 of the Principal Act.

"**20**—(1) If for Fourteen days after demand made therefor, any person, liable to pay the rates or charges due in respect of any goods, fails to pay the same, the Commissioner may, without prejudice to any other remedy he may have under this Act—

In default of payment of rates, &c., goods may be detained and sold. Cf. 5 Geo. V., No. 24 (Q.), s. 110.

I. Detain and sell any of such goods: or

II. If the same have been removed from the railway premises, detain and sell any other goods within such premises belonging to the person liable to pay such rates or charges—

and in either case, out of the moneys arising from the sale, retain the rates or charges payable as aforesaid, and all charges and expenses of such detention and sale, rendering the surplus (if any) of the moneys arising from such sale, and such of the goods as remain unsold, to the person entitled thereto.

"(2) A notice in writing that any rates or charges are due in respect of any goods, signed by any person duly authorised to collect such rates and charges, and served upon the person liable to pay the same or left at or posted to his last known address, shall be deemed to be a demand within the meaning of this section."

Service of notice deemed a demand.

**6** Section Twenty-three of the Principal Act is hereby repealed, and the following section substituted therefor:—

Repeal and re-enactment of Section 23 of the Principal Act.

"**23** Subject to the provisions of this Act, and of the by laws, conditions, and regulations made or imposed thereunder, all persons shall be entitled to use any railway upon payment of the fares, rates, or charges fixed for such use"

Subject to this Act and the by-laws, &c., all persons may use railways.

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**7** The following sections are inserted after Section Twenty-three of the Principal Act :—

Liability for loss after transit restricted.  
No. 2716 of 1915 (Vic.), s. 6.

“**23a** When any goods delivered to be carried along or upon any railway have been carried safely to the place to which the Commissioner has undertaken to carry them, the Commissioner shall, after the expiration of Eight working hours from their arrival at such place, be responsible only as bailee for custody in respect of any damage or loss that may arise or accrue with reference to such goods.

Limit of damages for personal injury.  
Cf. 5 Geo. V. No. 24 (Q.), s. 121.

“**23b**—(1) In any action against the Commissioner to recover damages or compensation in respect of personal injury the court or jury shall not find or assess, nor shall judgment be given or entered for the plaintiff for any amount of money exceeding the amount following, that is to say :—

- i. If the personal injury results in death or permanent disablement, Two thousand Pounds :
- ii. If the personal injury results in temporary disablement, One thousand Pounds.

Plaintiff in action for personal injury to submit to examination.

“**23c** When any person claims damages or compensation from the Commissioner in respect of any alleged personal injury not resulting in death, such person shall, if so required by the Commissioner, submit himself for examination by a medical practitioner, or medical practitioners, appointed by the Commissioner, at all such reasonable times as the Commissioner may require, and if he refuses to submit himself for examination, or in any way obstructs the same, his right to damages or compensation, and to take or prosecute any proceedings in relation thereto, shall be suspended until such examination has taken place.

Commissioner may inspect contents of packages.  
No. 1946 of 1904 (Vic.), s. 7 (3).

“**23d** The Commissioner, or, in the presence of a witness, any officer in charge of a station or siding, may test, gauge, or open any cask, case, package, parcel, or consignment whatsoever of goods delivered or offered to the Commissioner for transmission by railway, and may examine and inspect the contents thereof in order to ascertain and determine whether the description, value, quantity, number, nature, and character of such contents are correctly described in the consignment note, invoice, or bill of lading relating to such cask, case, package, parcel, or consignment, and such goods shall be properly repacked by the Commissioner or such officer.

Proof of fares, conditions and regulations.  
Cf. No. 31 of 1917 (Com.), s. 29 (4).

“**23e** Any publication purporting to contain a list of any fares, rates, or charges fixed by the Commissioner, or any time-tables, conditions, or regulations made or imposed by him under this Act, and which purports to be printed by authority of the Commissioner, shall be *prima facie* evidence that the fares, rates, charges, time-tables, conditions, and regulations contained therein were fixed, made, or imposed by the Commissioner, and that they are still in force.

Effect of endorsement of certain words on railway documents.

“**23f** The printing or writing, by way of endorsement or otherwise, of the words ‘subject to the Railway Acts,’ on any ticket, receipt, consignment note, or other instrument or document issued by the Commissioner, or used or employed in connection with a railway, shall, for all purposes, be a sufficient notice of any such publication as is

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mentioned in Section **23e**, and of the contents of such publication, to any person to whom such ticket or receipt is issued or given, or who uses or is concerned or interested in such consignment note or other instrument or document; and for the purpose of the application of anything contained in such publication to such ticket, receipt, consignment note, or other instrument or document as aforesaid, it shall not be necessary to print, write, or otherwise delineate thereon any portion or portions of such publication, but such portion or portions of such publication as are applicable to any such ticket, receipt, consignment note, or other instrument or document, as aforesaid, shall be deemed to be written or printed thereon and incorporated therewith.”

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**8** Section Twenty-four of the Principal Act is hereby amended by omitting the words “knowingly or wilfully” in the Second line thereof.

Amendment of Section 24 of Principal Act.

**9** The following section is inserted after Section Twenty-five of the Principal Act:—

“**25a**—(1) No person shall permit to flow or empty, or place, or cause, or suffer to flow, or to be emptied or placed, any sewage, night-soil, drainage, or other offensive matter, onto or upon any railway.

Sewage not to be emptied on railway. N.S.W. by-law 1917, No. 38.

“(2) No person shall bathe in or pollute the water of any reservoir or tank belonging to or connected with any railway.

Water in reservoirs not to be polluted.

Penalty: Fifty Pounds.”

*Ibid.*, s. 37.

**10** Paragraph VIII. of Section Twenty-six of the Principal Act is hereby repealed, and the following section is inserted after Section Twenty-six of the Principal Act:—

“**26a**—(1) Unless authorised by the Commissioner so to do, no person shall sell, or exchange, or transfer or offer to sell or exchange or transfer the whole or any part of a ticket issued in connection with the railways of this State. No person shall use upon any railway any ticket sold, exchanged, or transferred, whether in this State or elsewhere, without the authority of the Commissioner.

No person to sell railway tickets without authority. Cf. 5 Geo. V., No. 24 (Q.), s. 130.

Penalty: Twenty Pounds.

“(2) No person shall—

- i. Without lawful authority or excuse, make or bring into Tasmania, or assist in making or bringing into Tasmania, any ticket in connection with the railways of this State: or
- ii. Counterfeit, or assist in counterfeiting, any ticket in connection with the railways of this State.

No person to make or import railway tickets.

Penalty: Fifty Pounds, or Twelve months imprisonment.

**11** Section Twenty-eight of the Principal Act is hereby repealed, and the following section substituted therefor:—

Repeal and re-enactment of Section 28 of the Principal Act.

“**28** Any person who, without reasonable excuse, the proof whereof shall lie upon him—

- i. Travels or attempts to travel by railway without having previously paid his fare: or

Passengers travelling without paying fares. *Ibid.*, s. 131.

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ii. Having paid his fare for a certain distance, proceeds by railway beyond such distance without previously paying the additional fare for the additional distance: or

iii. Refuses or neglects to quit the railway on arriving at the point to which he has paid his fare—

shall be liable to a penalty not exceeding Ten Pounds in addition to the proper fare.”

Repeal and re-enactment of Section 29 of the Principal Act.

Summary interference in certain cases of contravention of this Act.

Cf. No. 2716 of 1915 (Vic.), s. 132.

Certain offenders may be arrested.

**12** Section Twenty-nine of the Principal Act is hereby repealed, and the following section substituted therefor :—

“ **29**—(1) Whenever any contravention of this Act or the breach of any by-law made thereunder would be attended with danger or annoyance to the public, or hindrance to any of the officers or employees in the lawful use of any railway, such officers or employees, or any of them, may summarily interfere to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to the recovery or enforcement of any penalty incurred by any such contravention or breach as aforesaid.

“(2) Any officer or employee in the railway service, and all persons called by him to his assistance, may seize and detain any person committing, or attempting to commit, or who has committed any such offence as is mentioned in Section Twenty-eight, and whose name and address are unknown to such officer or employee, and may give him in charge to a member of the police force, who shall, without any warrant or other authority than this Act, convey him with all convenient despatch before some justice to be dealt with according to law.”

**13** The following section is inserted after Section Forty-one of the Principal Act :—

“ **41a** The Commissioner shall take no responsibility or liability of any kind soever for, or in respect of, personal injury to, or the detention or delay in the conveyance of, any person, or the loss, detention, nondelivery, mis-delivery, or delay in the carriage or delivery of, or injury or damage to any goods, occurring outside the limits of a railway under his management and control, notwithstanding that he may have contracted for the conveyance or accommodation of such person or the carriage or delivery of such goods to or at a place outside such limits.”

**14** Section Sixty-three of the Principal Act is hereby repealed, and the following section substituted therefor :—

“ **63** In case default is made in payment of any money due and payable in respect of the conveyance of any passenger, or carriage, or custody of any goods, under the authority of this Act, the same may be recovered by the Commissioner in any court of competent jurisdiction, or in a summary way before any Two justices.”

Commissioner to take no responsibility outside of limits of a railway.

Repeal and re-enactment of Section 63 of the Principal Act.  
Recovery of charges.



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**15** Section Twenty-six of the Act of 1910 is hereby repealed and A.D. 1921.  
the following section substituted therefor:—

“**26** The Commissioner shall once in every financial year cause to be prepared, and to be submitted to Parliament—

- I. A railway working account showing the total gross receipts accruing from the railways during the previous financial year, and the total expenditure upon the working, management and maintenance thereof during the same period; and
- II. An account showing the total cost as at the end of the previous financial year of the construction of all railways, and the value of the rolling-stock, fixed plant, and machinery, loose plant, stores and office furniture, under their respective headings.”

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Repeal and  
re-enactment of  
Section 26 of the  
Act of 1910.

