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**VAN DIEMEN'S LAND COMPANY'S WARATAH AND  
ZEEHAN RAILWAY AMENDMENT ACT 1980**

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**VAN DIEMEN'S LAND COMPANY'S WARATAH AND  
ZEEHAN RAILWAY AMENDMENT ACT 1980**

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**No. 60 of 1980**  
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**AN ACT to amend the Van Diemen's Land Company's Waratah and  
 Zeehan Railway Act 1895 for the purpose of making further  
 provision with respect to the inspection of railways.**

**[Royal Assent 16 September 1980]**

**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 *Van Diemen's Land Company's* Short title.  
*Waratah and Zeehan Railway Amendment Act 1980.*

**2**—(1) This section and section 1 shall commence on the date Commence-  
 of assent to this Act. ment.

(2) Except as provided in subsection (1), this Act shall com-  
 mence on such date as may be fixed by proclamation.

Principal Act.

**3**—In this Act, the *Van Diemen's Land Company's Waratah and Zeehan Railway Act 1895\** is referred to as the Principal Act.

Substitution of  
section 29 of  
Principal Act.

**4**—Section 29 of the Principal Act is repealed and the following section is substituted:—

Maintenance  
and inspection  
of railway.

29—(1) The Company shall properly and efficiently maintain the railway and the rolling-stock of the railway.

(2) The Company shall arrange for the railway and rolling-stock of the railway to be inspected on or before 31st August in each year, or at such other time as the Minister may require, by a person prescribed under the regulations made under section 116.

(3) On completion of an inspection carried out under subsection (2), the person who carried out that inspection shall forward to the Company—

(a) a report as to the state and condition of repair of the railway and the rolling-stock of the railway; and

(b) his recommendation as to—

(i) the repairs that should be made to the railway or the rolling-stock of the railway; and

(ii) any additions that should be made to that rolling-stock.

(4) Within 30 days of the receipt of the report and recommendation referred to in subsection (3), the Company shall forward that report and recommendation to the Minister.

(5) If the Company fails to comply with subsection (2) or (4), it is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$1 000.

(6) The cost of an inspection carried out pursuant to subsection (2) shall be paid by the Company.

\* 59 Vict.—Private. For this Act, as amended to 1959, see Reprint of Statutes (1826-1959), Vol. 7, p. 845. Subsequently amended by No. 17 of 1965 and No. 91 of 1976.

**5**—After section 29 of the Principal Act, the following section is inserted:—

Insertion in  
Principal Act  
of new  
section 29A.

29A—(1) After consideration of the report and recommendation referred to in section 29 (3), the Minister may require the Company to make—

Minister may  
require repairs  
to be made to  
railway, &c.

(a) such of the repairs to the railway; or

(b) such of the repairs and additions to the rolling-stock of the railway,

referred to in the recommendation as he considers necessary to ensure the efficient maintenance and working of the railway, and the safety of the passengers travelling on that railway, in accordance with the provisions of this Act and the stipulations and conditions of the primary lease.

(2) The Company shall, within such time as the Minister directs—

(a) make such repairs to the railway; and

(b) make such additions and repairs to the rolling-stock of the railway,

as the Minister requires under subsection (1).

(3) If the Company fails to comply with subsection (2), it is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$1 000 and, in the case of a continuing offence, a further penalty not exceeding \$50 for each day during which the offence continues.

**6**—After section 107 of the Principal Act, the following section is inserted:—

Insertion in  
Principal Act  
of new  
section 107A.

107A—A person who, without lawful justification or excuse, obstructs, hinders, or resists a person prescribed under the regulations made under section 116 from carrying out an inspection under section 29 is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$200.

Penalty for  
obstructing  
inspection  
of railway.

Insertion in  
Principal Act  
of new  
section 116.

**7**—After section 115 of the Principal Act, the following section is inserted:—

Regulations  
made by  
Governor.

**116**—The Governor may make regulations for the purposes of this Act other than the purposes specified in section 114.