



Western Australia.

ANNO SEXAGESIMO QUARTO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

No. XXVI.

## AN ACT for requiring the Proprietors of Railways to carry Mails.

[Assented to, 5th December, 1900.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Carriage of Mails Act, 1900.
2. IN this Act, unless the context otherwise requires,—
  - “Mails” shall include letters, packets, newspapers, and parcels sent by post, and also letter-bags and mail-bags, whether containing letters, packets, newspapers, or parcels, or not;
  - “Railway Company” means the proprietors of a railway not belonging to the Government; andOther words shall bear the same interpretation as in the Post and Telegraph Act, 1893.

Short title.

Interpretation.

*Carriage of Mails.*

Conveyance of mails.  
See Regulation of  
Railways Act, 1873  
(Imp.), s. 18.

**3.** EVERY railway company shall convey by any train all such mails as may be tendered for conveyance by such train, whether such mails are under the charge of an official of the Post Office or not.

Every railway company shall afford all reasonable facilities for the receipt, delivery, and (when directed by the Postmaster General) for the storage of mails at any of the company's stations, without requiring the mails to be booked, or interposing any other delay.

Where the mails are in charge of an official of the Post Office, every railway company shall permit such official, together with his assistants, if any, to travel in the train with the mails, and, if he thinks fit, to receive and deliver the mails at any station by himself or his assistants, rendering him nevertheless such aid as he may require.

Accommodation for  
mails to be provided  
for by railway com-  
pany.

See 57 Vict., 5, s. 44.

**4.** EVERY railway company shall provide,—

- (1.) At every railway station such one or more suitable lockers for the safe keeping of mails as may be required by the Postmaster General.
- (2.) In every train by which mails are required by the Postmaster General to be carried, a suitable locker or locked carriage or compartment for the conveyance of mails; and
- (3.) In every such train suitable boxes or bags for receiving and carrying mails delivered to the company or its servants to be carried by any train *en route*.

Penalty for non-  
observance.  
See 1 & 2 Vict., c.  
98 (Imp.), s. 12.

**5.** IN case any railway company fails to observe and comply with the requirements of the third and fourth sections of this Act, the General Manager of the company shall be deemed to be guilty of an offence, and, on conviction thereof before a Court of summary jurisdiction, shall be liable to a fine not exceeding Twenty pounds.

Remuneration for  
conveyance of mails.  
Regulation of Rail-  
ways Act, 1873  
(Imp.), s. 19.

Arbitration in case  
of difference.

**6.** (1.) EVERY railway company shall be entitled to reasonable remuneration for any services performed by the company in pursuance of this Act, and such remuneration shall be paid by the Postmaster General.

(2.) Any difference between the Postmaster General and the company as to the amount of such remuneration, or as to any other question arising under this Act, shall be submitted to two arbitrators in accordance with the Arbitration Act, 1895.

(3.) If the Postmaster General and the railway company do not agree as to the terms of remuneration, the Postmaster General may serve upon the company a notice requiring the company to agree as

# 64° VICTORIÆ, No. 26.

## *Carriage of Mails.*

to the terms of remuneration; and if, for fourteen days after the service of such notice, the parties fail to agree wholly or in part as to the terms, such failure shall, at the expiration of such fourteen days, constitute a submission as aforesaid as to the terms of remuneration so far as not agreed upon.

(4.) The terms of remuneration settled by any award of arbitrators under any submission may provide for future services, and in such case shall continue in force from the date of the award for such time as is fixed thereby, save so far as otherwise agreed by the parties.

7. THE right of the Postmaster General to the performance by any railway company of the services required by this Act to be performed by railway companies shall not be prejudiced by any failure of the parties to agree as to the terms of remuneration for such services, or by any dispute or demand of alteration in regard to the terms of such remuneration, or by any delay in commencing or carrying on any arbitration under a submission, or in making or publishing any award thereunder; but the arbitrators in any such case shall in the award direct as well the remuneration to be paid for services rendered from the date of such failure, dispute, or demand of alteration as for future services.

Services of railway company to continue, notwithstanding failure to agree or delay of arbitration.

See *ibid.*, s. 7.

1 & 2 Vict., c. 98 (Imp.).

8. THE Postmaster General may at any time, by a month's notice, in writing, delivered to a railway company, put an end to the obligation of the company to render any part of the services by this Act required, and to the right to receive remuneration for such services, and, from the expiration of such notice, such obligation shall discontinue, and, in the absence of agreement, shall not be renewed until the expiration of a month's notice, in writing, delivered to the company by the Postmaster General requiring such services to be again rendered, whereupon such obligation shall be again in force.

Postmaster General may give notice to discontinue any portion of the services required of a railway company.

See *ibid.*, s. 8.

9. THE Postmaster General may, from time to time, make regulations respecting the conveyance, delivery, and leaving of the mails and the officials of the post office and their assistants, by any railway company required to carry mails; and every such railway company, its officers and servants, shall obey all such reasonable regulations as the Postmaster General shall make in that behalf: Provided that it shall not be lawful for any official of the post office to interfere with or give orders to the engineer or other person having the charge of any engine travelling on the railway along which mails are conveyed; but if any cause of complaint arises, the same shall be stated to the conductor or other officer of the railway company having charge of the train, or to the chief officer

Railway company to be subject to the regulations of the Postmaster General respecting conveyance of mails.

See *ibid.*, s. 5.

# 64° VICTORIÆ, No. 26.

---

## *Carriage of Mails.*

---

at any station on the railway, and in case of the failure of any officer or servant of the railway company to comply with this section, the railway company shall be wholly responsible for the same.

By-laws, etc., contrary to this Act void.  
See *ibid.*, s. 11.

**10.** ALL by-laws and regulations now or hereafter made by any railway company which militate against or are repugnant to this Act shall be void.

In the name and on behalf of the Queen I hereby assent to this Act.

ALEX. C. ONSLOW, Administrator.