

COMMONWEALTH RAILWAYS.

No. 87 of 1936.

An Act to amend the *Commonwealth Railways Act* 1917-1925.

[Assented to 7th December, 1936.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Commonwealth Railways Act* 1936.

Short title
and citation.

(2.) The *Commonwealth Railways Act* 1917-1925* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Commonwealth Railways Act* 1917-1936.

2. Section sixteen of the Principal Act is amended by omitting paragraph (a) and inserting in its stead the following paragraph:—

Commonwealth
Railways, &c.,
vested in
Commissioner.

“(a) all railways and all rolling-stock constructed or acquired by or on behalf of the Commonwealth either before or after the commencement of this Act;”.

3. After section thirty of the Principal Act the following section is inserted:—

“30A. Notwithstanding anything in this Act contained, the Commissioner may, with a view of preventing decrease of income by reason of loss of traffic on the railway, enter into a contract with any person for the conveyance, during such period as is provided in the contract, of such proportion of the goods of that person as is stated in the contract at a special rate or charge fixed in the contract or subject to a rebate or concession specified in the contract.”.

Special
contracts.

4. Section fifty-two of the Principal Act is amended by omitting from sub-section (2.) the word “three” and inserting in its stead the word “twelve”.

Rights of
employees
previously
employed by
Commonwealth
or State.

5. Section fifty-five of the Principal Act is amended by adding at the end of sub-section (1.) the words “which shall be a Trust Account within the meaning of section sixty-two A of the *Audit Act* 1901-1934”.

Establishment
of Plant and
Stores Suspense
Account.

* Act No. 31, 1917, as amended by Act No. 11, 1925.

Establishment
of Railway
Accident and
Insurance Fund.

6. Section fifty-six of the Principal Act is amended—

- (a) by omitting from sub-section (1.) all the words after the word “be” (third occurring) and inserting in their stead the words “a Trust Account within the meaning of section sixty-two A of the *Audit Act 1901-1934*”; and
(b) by omitting from sub-section (2.) the words “Five shillings” and inserting in their stead the words “Twelve shillings and sixpence”.

Payments
from fund.

7. Section fifty-seven of the Principal Act is amended by inserting in paragraph (e), after the word “fire”, the words “or storm”.

Acquisition of
lands for
purposes of
railway.

8. Section sixty-three of the Principal Act is amended—

- (a) by inserting in sub-section (2.), after the word “acquired” (second occurring), the words “, in pursuance of the last preceding sub-section,”; and
(b) by inserting after sub-section (2.) the following sub-section :—
“(2A.) Any lands reserved for the purposes of a railway by any law of the Commonwealth or a Territory of the Commonwealth may, subject to any law of the Commonwealth or the Territory governing the disposal of those lands, be acquired by the Commissioner for the purposes of or in connexion with a railway.”.

9. After section seventy-three of the Principal Act the following section is inserted :—

Trespassing
on railway.

“73A. A person shall not, without lawful excuse (proof whereof shall be upon him), trespass or go upon any railway.
Penalty : Ten pounds.”.

Arrest of
offenders.

10. Section seventy-six of the Principal Act is amended—

- (a) by omitting from sub-section (1.) all the words after the word “may” (second occurring) and inserting in their stead the words “, without any warrant or other authority than this Act, convey him with all convenient despatch before a court of summary jurisdiction”;
(b) by omitting from sub-section (2.) the word “magistrate” and inserting in its stead the word “court”; and
(c) by adding at the end thereof the following sub-section :—
“(3.) Notwithstanding anything contained in any other Act, any justice or justices of the peace of a State sitting at any place as a court for the summary punishment of offences under the law of the State shall, at that place, have jurisdiction to hear and determine the complaint against an offender who is seized and detained under this section, and who cannot be conveyed before a police, stipendiary or special magistrate within seventy-two hours after he is brought to that place for the purpose of the hearing and determination of the complaint, or if he is seized at that place, within seventy-two hours after he is seized.”.

1936.

Income Tax Assessment (No. 2).

No. 88.

11. Section eighty-five of the Principal Act is repealed and the following section inserted in its stead :—

“85. The *Commonwealth Employees' Compensation Act* 1930 shall apply to employees of the Commissioner as if they were employees within the meaning of that Act.”

Application
of the
*Commonwealth
Employees'
Compensation
Act 1930.*

12. Section eighty-eight of the Principal Act is amended by omitting from paragraph (k) the word “Twenty ” and inserting in its stead the word “ Fifty ”.

By-laws.