

# GOVERNMENT RAILWAYS (AMENDMENT) ACT.

## Act No. 15, 1951.

George VI.  
No. 15, 1951.

An Act to amend the Government Railways Act, 1912-1950, in certain respects; and for purposes connected therewith. [Assented to, 27th June, 1951.]

**BE** it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title  
and  
citation.

**1.** (1) This Act may be cited as the "Government Railways (Amendment) Act, 1951."

(2) The Government Railways Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Government Railways Act, 1912-1951.

Amendment  
of Act No.  
30, 1912.

**2.** The Government Railways Act, 1912-1950, is amended—

Sec. 133.  
(Persons  
employed  
on railways  
guilty of  
misconduct.)  
New section  
134B.

(a) by inserting in paragraph (a) of subsection one of section one hundred and thirty-three after the word "drunk" the words "or under the influence of intoxicating liquor or any drug";

(b) by inserting next after section 134A the following new section:—

Detention,  
examination  
and search  
of vehicles  
upon railway  
premises.

134B. (1) Any officer authorised in that behalf under the seal of the Commissioner (in this section referred to as an authorised officer) may—

(a) stop and detain any vehicle or person being upon any of the piers, wharfs, jetties, stations,

stations, yards, and buildings vested in or under the control of the Commissioner where any luggage, parcels or goods are received, despatched or delivered; No. 15, 1951.

- (b) inspect, search and examine any such vehicle or any container, bag, case, parcel or other article in or upon any such vehicle or in the possession of any such person as aforesaid;
- (c) demand the production by any person whomsoever of consignment notes, delivery dockets, or other documents appertaining to the receipt, despatch, delivery, or ownership of any luggage, parcels or goods found upon such inspection, search or examination; and
- (d) seize, take and retain any luggage, parcels or goods found upon such inspection, search or examination which the authorised officer reasonably suspects of having been stolen

(2) The power of an authorised officer to inspect, search and examine shall include power to open by any means whatsoever any part of such vehicle or any container, bag, case, parcel or other article in or upon such vehicle or in the possession of any such person as aforesaid.

(3) (a) If any person—

- (i) being the driver or person in charge of any such vehicle refuses or wilfully neglects to stop such vehicle in accordance with the directions of an authorised officer;
- (ii) refuses or wilfully neglects to submit any such vehicle, or any container, bag, case, parcel or other article in or upon such vehicle or in his possession to inspection, search and examination in accordance with the directions of such authorised officer;
- (iii)

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(iii) wilfully obstructs hinders impedes or avoids such inspection, search or examination; or

(iv) refuses or wilfully neglects to produce to such authorised officer any consignment notes, delivery dockets, or other documents appertaining to the receipt, despatch, delivery or ownership of any luggage, parcels or goods found upon such inspection, search or examination as aforesaid,

such person and all others aiding or assisting in the commission of any such offence shall forfeit to the Commissioner a sum not exceeding fifty pounds.

(b) If any person is discovered either in the act of or after committing any such offence all officers and other persons on behalf of the Commissioner, and all constables and gaolers, may lawfully apprehend and detain such person until he can conveniently be taken before a magistrate or two justices or until he is otherwise discharged in due course of law.

(4) (a) Every authorised officer exercising any power conferred under this section shall be furnished with an authority under the seal of the Commissioner and shall, if required, produce such authority to any person concerned.

(b) Every person who forges or counterfeits any such authority or makes use of any forged, counterfeited, or false authority, or personates the officer named in such authority, or falsely pretends to be such an officer shall be guilty of an offence and shall be liable to a penalty not exceeding fifty pounds.

(5) No action, claim or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against the Commissioner or any officer or person acting or purporting to act in pursuance of this section.