

**GOVERNMENT RAILWAYS (FURTHER
AMENDMENT) ACT, 1980, No. 138**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 138, 1980.

An Act to amend the Government Railways Act, 1912, with respect to offences relating to the refusal or neglect to pay fares. [Assented to, 9th December, 1980.]

See also Transport (Further Amendment) Act, 1980; Transport Authorities (Amendment) Act, 1980.

Government Railways (Further Amendment).

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 New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the “Government Railways Short title. (Further Amendment) Act, 1980”.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Government Railways Act, 1912, is amended in the manner set forth in Schedule 1. Amendment of Act No. 30, 1912.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE GOVERNMENT RAILWAYS ACT, 1912.

(1) Section 64 (1)—

Omit “forty dollars”, insert instead “\$200”.

(2) (a) Section 130 (1) (a)—

Omit “with intent to avoid payment thereof”, insert instead “without reasonable excuse”.

Government Railways (Further Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE GOVERNMENT RAILWAYS ACT,
1912—*continued.*

(b) Section 130 (1) (a1)—

After section 130 (1) (a), insert :—

(a1) travels or attempts to travel in any carriage employed on any railway without having previously paid his fare and fails, without reasonable excuse, on demand made by an officer authorised by the Authority in that behalf, to pay his fare; or

(c) Section 130 (1) (b)—

Omit “with intent to avoid payment thereof”, insert instead “without reasonable excuse”.

(d) Section 130 (1) (d)—

Omit “with intent to avoid payment of the additional fare,”, insert instead “without reasonable excuse,.”.

(e) Section 130 (1)—

Omit “forty dollars”, insert instead “\$200”.

(f) Section 130 (3)—

After section 130 (2), insert :—

(3) It is not a defence to a prosecution under subsection (1) (a) for a person to prove—

(a) that the time taken or likely to have been taken in payment of his fare before travelling or attempting to travel in a carriage would or may have caused him to have been unable to so travel or attempt to travel; or

Government Railways (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE GOVERNMENT RAILWAYS ACT,
1912—*continued.*

(b) that he intended to pay his fare while travelling or on arriving at a point,

unless he proves that he entered the carriage or attempted to enter the carriage at a station and—

(c) that it appeared to him, after reasonable investigation, that no facilities were available to him at that station to enable him to effect payment of his fare before so entering or attempting to enter; or

(d) that he had arrived at that station within such period of time before so entering or attempting to enter as would, in the circumstances ordinarily existing at the time of the day and on the day of the week at and on which he so entered or attempted to enter, have enabled him to have effected payment of his fare before so entering or attempting to enter, that he diligently took all steps reasonably necessary to so effect payment of his fare, but that he was unable, due to circumstances beyond his control, to so effect payment of his fare.
