

**BROKEN HILL TO SOUTH AUSTRALIAN BORDER
RAILWAY AGREEMENT (AMENDMENT) ACT.**

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 26, 1969.

An Act relating to the operation, control and management of the railway between Broken Hill and the border of South Australia; for this purpose to amend the Broken Hill to South Australian Border Railway Agreement Act, 1968; and for purposes connected therewith. [Assented to, 9th April, 1969.]

BE

*Broken Hill to South Australian Border Railway Agreement
(Amendment).*

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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:—

Short title and citation.

1. (1) This Act may be cited as the "Broken Hill to South Australian Border Railway Agreement (Amendment) Act, 1969".

(2) The Broken Hill to South Australian Border Railway Agreement Act, 1968, as amended by this Act, may be cited as the Broken Hill to South Australian Border Railway Agreement Act, 1968–1969.

Amendment of Act No. 59, 1968.

2. The Broken Hill to South Australian Border Railway Agreement Act, 1968, is amended by inserting next after section seven the following new section :—

Provisions relating to control and management of Railway.

8. (1) In this section, except in so far as the context or subject-matter otherwise indicates or requires—

"the Commissioner" means the South Australian Railways Commissioner for the time being holding office as such under the South Australian Railways Commissioner's Act, 1936;

"the South Australian Railways Commissioner's Act, 1936," means the South Australian Railways Commissioner's Act, 1936, of the State of South Australia and any Act of that State amending, varying or replacing the same, and includes the Railways Standardization Agreement (Cockburn to Broken Hill) Act, 1968, of that State and any Act of that State amending, varying or replacing the same.

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(2) The Commissioner may for and on behalf of the State of South Australia operate, control and manage the Railway in accordance with the terms of the Agreement, the provisions of this section and any law applicable or incidental to the Railway or the operation, control and management thereof. No. 26, 1969

(3) The Commissioner—

(a) may demand, collect and enforce the payment of—

(i) rates for services rendered on or in connection with the Railway; and

(ii) tolls, freights, charges, rates and fares for the carriage or conveyance of goods, stock, minerals, mails, parcels and passengers on the Railway; and

(b) in the operation, control and management of the Railway as aforesaid shall have and may exercise and enjoy the like powers, authorities, privileges and immunities, and shall perform and be subject to the like duties, liabilities and obligations as he, for the time being, shall have or may exercise or enjoy or shall perform or be subject to in the operation, control and management of other railways, vested in the Commissioner, pursuant to the South Australian Railways Commissioner's Act, 1936 (section eighty-four of that Act excepted).

Any payment required pursuant to paragraph (a) of this subsection shall be the like payment as is required under by-laws or regulations under the South Australian Railways Commissioner's Act, 1936, in respect of other railways vested in the Commissioner or, where specifically prescribed by regulations under the said Act in respect of the Railway, the payment so prescribed.

(4)

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(4) Notwithstanding anything in this Act, the Commissioner shall not dispose of any land vested in him pursuant to this Act except with the approval of the Governor.

(5) (a) The provisions of sections one hundred and fifteen to one hundred and twenty-three of the South Australian Railways Commissioner's Act, 1936, and the by-laws and regulations under the said Act shall extend and apply, mutatis mutandis, to and in respect of the Railway.

(b) Any penalty imposed in respect of the provisions, by-laws and regulations extended and applied pursuant to paragraph (a) of this subsection may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace in petty sessions.

(c) Any penalty referred to in paragraph (b) of this subsection may be recovered by any person appointed in that behalf by the Commissioner.

The production of a document purporting to be signed by the Commissioner appointing a person therein named to recover any such penalty shall be sufficient evidence that the person therein named has been duly appointed as aforesaid, and shall be evidence that the person producing the document is the person thereby appointed.

(d) Any document purporting to be a copy of the South Australian Railways Commissioner's Act, 1936, or a by-law or regulation thereunder, and to be printed by the Government Printer of the State of South Australia, shall in all proceedings for any such penalty be sufficient evidence of the contents of that Act, by-law or regulation and shall be evidence that the same was at the relevant time in force.

(6)

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(6) Notwithstanding anything contained in any No. 26, 1969 Act, award or industrial agreement—

- (a) the same terms and conditions of employment, including claims and the settlement thereof under any legislation of the State of South Australia relating to workers' compensation; and
- (b) the same rates of salaries or wages,

shall be applicable and paid to officers and employees employed by the Commissioner in or in connection with the operation, control and management of the Railway as are applicable and paid to officers and employees employed by the Commissioner in or in connection with the operation, control and management of railways vested in him in the State of South Australia.

The provisions of the South Australian Railways Commissioner's Act, 1936, relating to officers and employees employed by the Commissioner in or in connection with the operation, control and management of railways vested in him in the State of South Australia shall apply, *mutatis mutandis*, to and in respect of officers and employees employed by the Commissioner in or in connection with the operation, control and management of the Railway.