

**GOVERNMENT RAILWAYS (AMENDMENT) ACT,
1980, No. 105**

New South Wales



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ELIZABETHÆ II REGINÆ

Act No. 105, 1980.

An Act to amend the Government Railways Act, 1912, consequent on and in connection with the enactment of the Transport Authorities Act, 1980, and the Transport Appeal Boards Act, 1980. [Assented to, 1st May, 1980.]

Government Railways (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 :—

- Short title. **1.** This Act may be cited as the "Government Railways (Amendment) Act, 1980".
- Commencement. **2.** (1) This section and section 1 shall commence on the date of assent to this Act.
- (2) Except as provided by subsection (1), this Act shall commence on 1st July, 1980.
- Principal Act. **3.** The Government Railways Act, 1912, is referred to in this Act as the Principal Act.
- Schedules. **4.** This Act contains the following Schedules :—
- SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.
- SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.
- Amendment of Act No. 30, 1912. **5.** The Principal Act is amended in the manner set forth in Schedule 1.
- Savings and transitional provisions. **6.** Schedule 2 has effect.
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Government Railways (Amendment).

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 1—

From the matter relating to Part II, omit “4-41R”, insert instead “4-41A”.

(b) Section 1—

From the matter relating to Division 3 of Part II, omit “11-14A”, insert instead “11-13”.

(c) Section 1—

Omit the matter relating to Division 6 of Part II.

(d) Section 1—

Omit the matter relating to Part VIII.

(2) Section 3 (c)—

After section 3 (b), insert :—

(c) “Authority” means the State Rail Authority.

(3) Sections 14, 14A—

Omit the sections.

(4) Section 17—

Omit the section.

Government Railways (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) Section 22—

Omit the section.

(6) Section 23—

After “this”, insert “or any other”.

(7) (a) Section 24 (1A)—

After section 24 (1), insert :—

(1A) Subject to the provisions of this Act, all such tolls and charges shall be those from time to time determined by relevant orders in force under section 71 of the Transport Authorities Act, 1980.

(b) Section 24 (2)—

After “charged”, insert “, subject to and in accordance with any applicable orders referred to in subsection (1A),”.

(c) Section 24 (7)—

After section 24 (6), insert :—

(7) In this section, “prescribed” means prescribed by orders referred to in subsection (1A).

(8) Section 40—

Omit the section.

(9) Division 6 of Part II—

Omit the Division.

Government Railways (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(10) (a) Section 64 (1) (1)—

Omit “the amount of fares for the conveyance of passengers, and the charges for the carriage of animals, goods, and parcels, and”.

(b) Section 64 (1) (1a)—

Omit “, and for fixing charges for the collection or delivery thereof”.

(c) Section 64 (1) (1b)—

Omit “, and for fixing the rate or amount of commission to be charged for the collection of such moneys or to be deducted from moneys so collected”.

(d) Section 64 (1) (12), (13)—

Omit the paragraphs.

(e) Section 64 (1) (17)—

Omit “for fixing a charge therefor, or”.

(f) Section 64 (1) (17)—

Omit “the same”, insert instead “charges for any such admission”.

(g) Section 64 (1) (20)—

Omit the paragraph.

Government Railways (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(h) Section 64 (1) (21)—

Omit the paragraph, insert instead :—

(21) for fixing the conditions upon which goods will be received for warehousing, or parcels and baggage will be received for transit or for care or custody;

(i) Section 64 (1) (34)—

Omit the paragraph.

(11) (a) Section 66—

Omit “, and a list of any tolls, fares, and charges from time to time imposed thereby,”.

(b) Section 66—

Omit “such” where thirdly occurring.

(c) Section 66—

After “payable”, insert “to the Authority”.

(12) Section 67 (1)—

Omit “and lists of tolls, fares, and charges,”.

(13) Part VIII—

Omit the Part.

Government Railways (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(14) (a) Section 112 (1)—

Omit “There shall also, on appropriation by Parliament, be annually placed to the credit of the said account, from the Government Railways Fund, such moneys as may be required to meet claims under this Part.”.

(b) Section 112 (1A)—

After section 112 (1), insert :—

(1A) There shall also be annually placed to the credit of the Government Railways Superannuation Account, from the State Rail Authority Fund, such moneys as may be required to meet claims under this Part.

(c) Section 112 (2)—

Omit “said account”, insert instead “Government Railways Superannuation Account”.

SCHEDULE 2.

Sec. 6.

SAVINGS AND TRANSITIONAL PROVISIONS.

1. Nothing in this Act affects any regulations or by-laws in force under the Principal Act to the extent to which they could have been made under that Act, as amended by this Act. Regulations and by-laws under the Principal Act.

2. The enactment of this Act does not confer on any person any privileges or rights that were not conferred before 1st July, 1980, or that would not have been conferred if this Act had not been enacted. Rights not conferred.

Government Railways (Amendment).

SCHEDULE 2—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

Proceedings. 3. (1) This Act does not affect any proceedings pursuant to any of the provisions of the Principal Act repealed by this Act, and those proceedings shall continue as if commenced pursuant to the relevant provisions of the Transport Authorities Act, 1980.

(2) Nothing in this clause affects the generality of any provisions contained in Schedule 8 to the Transport Authorities Act, 1980.

(3) Nothing in this clause applies to proceedings referred to in Schedule 2 to the Transport Appeal Boards Act, 1980.

Regulations. 4. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) The provisions of clause 18 (2)–(4) of Schedule 8 to the Transport Authorities Act, 1980, apply to and in respect of regulations made under this clause in the same way as they apply to and in respect of regulations made under clause 18 of that Schedule.
