



ANNO DECIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1969

No. 28 of 1969

An Act to amend the Railways Standardization Agreement (Cockburn to Broken Hill) Act, 1968.

[Assented to 18th September, 1969.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Railways Standardization Agreement (Cockburn to Broken Hill) Act Amendment Act, 1969".

(2) The Railways Standardization Agreement (Cockburn to Broken Hill) Act, 1968, as amended by this Act, may be cited as the "Railways Standardization Agreement (Cockburn to Broken Hill) Act, 1968-1969".

(3) The Railways Standardization Agreement (Cockburn to Broken Hill) Act, 1968, is hereinafter referred to as "the principal Act".

Enactment of new s. 4a of principal Act—

2. The following section is enacted and inserted in the principal Act immediately after section 4 :—

Operation, control and management of the Railway.

4a. (1) Where by virtue of any law in force in New South Wales—

(a) the State of South Australia has the right, subject to the agreement, to operate, control and manage the Railway ;

or

- (b) the South Australian Railways Commissioner may for or on behalf of the State of South Australia operate, control and manage the Railway in accordance with the terms of the agreement and any law applicable to or incidental to the Railway or to the operation, control or management thereof,

the South Australian Railways Commissioner is authorized and obliged, on behalf of this State to operate, control and manage the Railway in accordance with that law.

(2) Notwithstanding anything to the contrary in the South Australian Railways Commissioner's Act, 1936-1965, but subject to any law in force in New South Wales, the South Australian Railways Commissioner in or in relation to the operation, control and management of the Railway—

- (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 ;

- (b) shall have and may exercise and enjoy the powers, authorities, privileges and immunities (other than the powers conferred on him by section 84 of the South Australian Railways Commissioner's Act, 1936-1965) as he has and may exercise and enjoy in the operation, control and management of railways within this State and in the exercise and enjoyment of the powers, authorities, privileges and immunities conferred upon him by this paragraph he shall perform and be subject to the same duties, liabilities and obligations as he performs and is subject to in the operation, control and management of railways within this State ;

- (c) may, by himself or by any person appointed by him in that behalf, sue for and recover any penalty imposed by or under any provision of the South Australian Railways Commissioner's Act, 1936-1965, or any regulation or by-law made thereunder which, pursuant to any law in force

in New South Wales applicable to and in respect of the operation, control and management of the Railway, may be so sued for and recovered and any such penalty so recovered shall be paid by him to the Treasurer in aid of the General Revenue of the State ;

(d) may, in relation to any officers or employees employed in or in connection with the operation, control or management of the Railway, apply and give effect to—

(i) the same terms and conditions of employment including claims and the settlement thereof under any legislation of this State relating to compensation to workmen for injuries suffered in the course of their employment ;

and

(ii) the same rates of salary or wages, as from time to time are applicable to and given effect in relation to officers or employees employed in or in connection with the operation, control and management of railways within this State ;

(e) may, in relation to any officer or employee employed in or in connection with the operation, control and management of the Railway, apply and give effect to any provision of the South Australian Railways Commissioner's Act 1936-1965, as from time to time is applicable to and given effect in relation to any such officer or employee employed in the operation, control or management of railways within this State.

and

(f) shall not dispose of any land vested in him, pursuant to the Broken Hill to South Australian Border Railway Agreement Act, 1968-1969 of the State of New South Wales or any Act of that State amending, varying or passed in substitution for that Act, except with the approval of the Governor of New South Wales.

(3) In subsection (2) of this section "railways within this State" means railways vested in the South Australian Railways Commissioner pursuant to the South Australian Railways Commissioner's Act, 1936-1965, which lie within the boundaries of the State and for the operation, control and management of which the Commissioner is, by virtue of that Act, responsible.

3. Section 6 of the principal Act is amended by inserting after the passage "the agreement" the passage "and this Act and, without limiting the generality of the foregoing may make regulations—

Amendment of
principal Act,
s. 6—
Regulations.

(a) for fixing and making rates for services rendered on or in connection with the Railway ;

and

(b) prescribing and providing for the payment of tolls, freights, charges, rates and fares for the carriage or conveyance of goods, stock, minerals, mails, parcels and passengers on the Railway."

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. W. HARRISON, Governor.