



ANNO SEXTO

# EDWARDI VII REGIS.

A.D. 1906.

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## No. 912.

An Act to further amend "The South Australian Railways Commissioners Act, 1887," and for other purposes.

[*Assented to, December 22nd, 1906.*]

**W**HEREAS by a certain Act, No. 1 of 1851, "to authorise the Preamble.  
appointment of Undertakers for the Construction of the Adelaide City and Port Railway," certain persons were authorised to be appointed, in manner in the said Act specified, to be undertakers for the construction, completion, and management of the Adelaide City and Port Railway: And whereas by a certain Act, No. 18 of 1854, "to authorise the formation of the Adelaide and Gawler Town Railway, and to provide for raising the money required for that purpose," certain persons were authorised to be nominated by the Governor, in manner therein mentioned, to be Commissioners for the execution of such last-mentioned Act: And whereas by a certain Act, No. 27 of 1855-6, "to authorise the appointment of South Australian Railway Commissioners, and to vest in them the construction of the Adelaide City and Port Railway, and of the Adelaide and Gawler Town Railway, and to authorise the raising of a further sum of Thirty-six Thousand Pounds for the completion of the Adelaide City and Port Railway," it was (*inter alia*) enacted that it should be lawful for the Governor to appoint three persons to be Commissioners for the purposes of the said last-mentioned Act, and that such three Commissioners should be the undertakers for the construction, completion, and management of the said two railways, and should have, enjoy, and exercise all the rights, powers, and privileges and be subject to and perform all the duties and obligations by  
(*inter*

*The South Australian Railways Commissioners Further Amendment Act.—1906.*

*(inter alia)* the said firstly and secondly recited Acts given to or vested in or imposed upon the said undertakers or first-mentioned Commissioners, except as modified by the Act now under recital: And whereas by divers other Acts of the Governor and Parliament not necessary to be herein recited, and, lastly, by “The South Australian Railways Commissioners Act Amendment Act, 1894,” the rights, powers, privileges, duties, and obligations vested in or imposed upon the said undertakers and first-mentioned Commissioners have become vested in or imposed upon the South Australian Railways Commissioner: And whereas doubts have arisen as to whether the said in part recited Acts operated to transfer and convey to and vest in the said the South Australian Railways Commissioner all the lands, tenements, and hereditaments of whatsoever kind or nature heretofore acquired by and vested in the said undertakers or first-mentioned Commissioners, and it is desirable to set such doubts at rest, and to make other provisions relating to the management and control of the railways vested in the Commissioner—Be it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title  
and incorporation.

**1.** This Act may be cited as “The South Australian Railways Commissioners Further Amendment Act, 1906,” and shall be read and incorporated with “The South Australian Railways Commissioners Act, 1887,” and the Acts incorporated therewith.

Vesting of certain  
property.

**2.** (a) All lands, tenements, and hereditaments, and all piers, wharves, jetties, stations, yards, and buildings acquired by and heretofore vested in or constructed or erected by the said undertakers for the Adelaide City and Port Railway, or by the said Commissioners for the Adelaide and Gawler Town Railway, shall be and the same are hereby transferred and conveyed to and vested in the South Australian Railways Commissioner for the purposes of the South Australian railways.

(b) The land which the then Commissioner of Railways was by the Act No. 126 of 1878 authorised to enter upon and take possession of is hereby declared to be absolutely vested in the Commissioner for the purposes of the said railways, subject to the provisions of the said Act.

Offences relating  
to tickets.

**3.** Any person who—

(1) Alters a railway ticket—

(a) With intent to avoid payment of the proper fare or of any part thereof; or

(b) With intent to mislead or deceive; or

(c) For the purposes of sale or exchange:

(2) Sells, transfers, or exchanges, or offers for sale, transfer, or exchange, a free railway pass:

(3) Being

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- (3) Being the person to whom a free railway pass has been issued, permits any other person to be in possession or to make use thereof:
- (4) Travels or attempts to travel with or by means of a free railway pass issued to another person:
- (5) Sells, transfers, or exchanges, or offers for sale, transfer, or exchange—
  - (a) A railway ticket which has been used for the whole or any part of the journey for which it was issued:
  - (b) A portion of a railway ticket, which portion has been used for the whole or any part of the journey for which such portion was issued:
  - (c) A portion of a railway ticket, whether issued in South Australia or elsewhere, of which any other portion has been used:
- (6) Not being authorised or employed by the Commissioner for the purpose, sells or offers for sale, or exchanges or offers for exchange, any railway ticket, whether issued in South Australia or elsewhere, or any portion thereof:
- (7) Purchases or offers to purchase a railway ticket, whether issued in South Australia or elsewhere, or any portion thereof, from any person not employed by the Commissioner to sell the same:
- (8) Uses on any portion of the railway in South Australia a ticket, or any portion thereof, which has been theretofore sold in any other State by some person other than the Railways Commissioner or Commissioners thereof, or his or their authorised servants or agents:

shall in respect of each offence be liable to a penalty of not less than One Pound nor more than Fifty Pounds, or to imprisonment, with or without hard labor, for any period not exceeding six months.

**4.** Any person who, with or without intent to defraud—

- (1) Uses or attempts to use a railway ticket or free pass the time for the proper use of which has expired, or which has already been used to the full extent to which the holder is entitled to use it; or
- (2) Not being the holder of a free railway pass for the purpose, travels or attempts to travel on the railway without having previously paid the proper fare; or
- (3) Having paid his fare for a certain distance, or being the holder of a free pass for a certain distance, proceeds beyond such distance without having previously paid the additional fare or the fare, as the case may be, for the additional distance, or refuses on demand to pay the additional fare or the fare, as the case may be, for the additional distance; or

Travelling without payment of fare, &c.

(4) Travels

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(4) Travels by a superior class of carriage to that for which his ticket or pass is available without previously paying the difference in fare without the written consent of a railway official; or

(5) Refuses or neglects to quit the railway carriage at the point to which his ticket or pass is available:

shall in respect of each offence be liable to a penalty not exceeding Ten Pounds in addition to the amount due as fare or difference in fare.

Obtaining concession tickets by untrue statement.

5. Any person who by means of an untrue statement, certificate, or declaration obtains a ticket at a reduced rate shall be liable to a penalty of not less than Five Pounds nor more than Fifty Pounds, or to imprisonment, with or without hard labor, for any period not exceeding six months.

Transferring same.

6. Any person who, having obtained a ticket at a reduced rate, shall transfer same to any other person shall be liable to a penalty of not less than Five Pounds nor more than Fifty Pounds.

Use by another person.

7. Any person who shall use a ticket, knowing it to have been issued at a reduced rate to some other person, shall be liable to a penalty of not less than Five Pounds nor more than Fifty Pounds.

Definition of "free pass."

8. In this Act the terms "free railway pass" or "free pass" include any token, or privilege pass, or requisition form for the same, respectively.

Power to charge licence fees.

9. Wherever, by any Act, by-law, or regulation, the Commissioner is authorised or empowered to prohibit, or does prohibit, any person or class of person from doing, while in or upon any railway premises, any particular act or acts unless licensed so to do, then, and in every such case, it shall be lawful for the Commissioner to charge such sum as he may think fit, not exceeding Two Shillings and Six Pence per month for each such licence.

Validation of existing by-laws.

10. The by-laws made by the Commissioner on the second day of August, one thousand nine hundred and six, and published in the *Government Gazette* on the sixteenth day of August, one thousand nine hundred and six, shall, whether within or in excess of his powers in that behalf, be and continue in full force and effect until altered or repealed by subsequent by-laws made by the Commissioner, and shall be deemed to be enacted by this Act, and the validity thereof shall not be questioned in any Court of law in any manner howsoever.

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

GEORGE R. LE HUNTE, Governor.