

Hon. Mr. Coates.

GOVERNMENT RAILWAYS AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Government Railways Act, 1908.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

5 1. This Act may be cited as the Government Railways Amendment Act, 1925, and shall be read together with and deemed part of the Government Railways Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

Government Railways Board.

10 2. (1.) For the purposes of the principal Act there is hereby established a Board to be called the Government Railways Board.

Constitution of Government Railways Board.

(2.) The Board shall consist of three persons, being members of the Department, to be appointed by the Governor-General by Warrant under his hand. One member shall be appointed by the Governor-General as the Chairman of the Board.

15 (3.) In the event of the incapacity of any member of the Board by reason of sickness, absence, or other cause, the Minister may appoint any officer of the Department to act in the place of that member during his incapacity.

20 (4.) The Board shall meet at such times and places as it may determine, and at any meeting of the Board two members shall constitute a quorum.

(5.) The Board shall, subject to the control of the Minister, be charged with the administration of the Department.

(6.) All references in the principal Act or in any other Act to the "permanent head" of the Department, or to the General Manager of Railways, shall hereafter be construed as references to the Board, acting through the Chairman or any member thereof. 5

(7.) This section shall be deemed to have come into operation on the seventeenth day of December, nineteen hundred and twenty-four.

Working Railways Account.

Working Railways
Account
established.

3. There is hereby established within the Public Account, as from the first day of April, nineteen hundred and twenty-five, a separate account to be called the Working Railways Account. 10

Moneys payable
into the Working
Railways Account.

4. (1.) There shall, without further appropriation than this Act, be paid out of the Consolidated Fund into the Working Railways Account,—

(a.) The sum of one million three hundred and twenty-seven thousand six hundred and forty-nine pounds : 15

(b.) Interest, computed as from the first day of April, nineteen hundred and twenty-five, until the date of payment, on such part of the aforesaid sum as for the time being remains unpaid : 20

(c.) Such sums by way of loan as may in the opinion of the Minister of Railways be from time to time required to meet liabilities due or to become due in respect of the Working Railways Account, and as may be approved by the Minister of Finance : 25

(d.) The sum, if any, by which the expenditure in respect of the operation and maintenance of any branch line or isolated section of the railways, together with the interest payable on the capital moneys expended in connection with the construction and equipment of such branch line or isolated section, exceeds in any financial year the revenue derived therefrom. 30

(2.) In addition to the moneys specified in the *last preceding* subsection, there shall be paid into the Working Railways Account,—

(a.) All moneys received by the Minister by way of rents, tolls, fares, or freights, or otherwise accruing to the Crown in respect of the railways or in respect of any other service undertaken by the Minister : 35

(b.) All interest received in respect of the investment of moneys belonging to the account, and all principal moneys that may be repaid : 40

(c.) All moneys that may be received by the Minister as agent for any other person :

(d.) All moneys that may be appropriated by Parliament for payment into the account. 45

Purposes for which
moneys in Working
Railways Account
may be expended.

5. (1.) There shall from time to time be paid out of the Working Railways Account into the Consolidated Fund the moneys following, namely :—

(a.) Interest, computed as from the first day of April, nineteen hundred and twenty-five, on the total amount of capital moneys expended in respect of the railways : 50

(b.) Any sums in repayment of moneys advanced by way of loan from the Consolidated Fund to the Working Railways Account as provided in the *last preceding* section :

5 (c.) Interest in respect of moneys advanced by way of loan from the Consolidated Fund.

(2.) In addition to the moneys which may be paid out of the Working Railways Account as aforesaid, there shall be paid out of that account the moneys following, namely :—

10 (a.) All moneys required for the purposes of the railways or other services lawfully undertaken by the Minister, in accordance with the appropriation of Parliament :

(b.) All moneys received by the Minister acting as agent for any person, and payable to or by authority of that person :

15 (c.) All moneys required for investment as hereinafter provided.

(3.) Save as provided in paragraph (a) of the *last preceding* subsection, all moneys to which this section relates may be paid without further appropriation than this Act.

6. Section thirty-two of the principal Act is hereby repealed, as from the first day of April, nineteen hundred and twenty-five. Consequential repeal.

20 7. Any moneys in the Working Railways Account which in the opinion of the Minister are not required for the purposes of that account may be invested in manner prescribed by section ninety-one of the Public Revenues Act, 1910, with respect to moneys in accounts outside the Public Account. Investment of surplus moneys in Working Railways Account.

25 8. The Governor-General may from time to time by Order in Council— Powers of Governor-General to determine matters in relation to Working Railways Account.

(a.) Determine the rates of interest to be from time to time payable in terms of sections *four* and *five* hereof :

30 (b.) Determine what portions of the railways shall, for the purposes of this Act, be deemed to be branch lines or isolated sections :

(c.) Determine the method of calculating the expenditure in respect of the operation and maintenance of the several branch lines and isolated sections of the railways, and of calculating the revenue derived from each such branch line or section :

35 (d.) Determine the method of calculating the capital expenditure incurred in respect of the construction and equipment of each branch line and isolated section :

40 (e.) Determine the times and manner of payment of the sums hereby authorized to be paid from the Consolidated Fund into the Working Railways Account, or from that account into the Consolidated Fund :

(f.) Do any other thing necessary for the carrying-out of the provisions of this Act relative to the Working Railways Account.

45 9. Section nineteen of the Public Service Classification and Superannuation Amendment Act, 1909 (making provision for the payment of subsidy from the Consolidated Fund to the Government Railways Superannuation Fund) is hereby repealed. Repeal.

Miscellaneous.

50 10. Section thirteen of the principal Act is hereby amended by repealing the second proviso to paragraph (d). Extension of power to collect and deliver goods outside limits of railway.

Minister may act as the agent of the consignor of any goods in respect of their price.

11. (1.) The Minister may act as the agent of the consignor of any goods carried on the railway to collect from the consignee the price of those goods, and to give a valid discharge in respect thereof.

(2.) The terms of any such contract of agency under this section shall be as agreed between the parties or, in the absence of any special agreement, shall be in accordance with conditions to be published by the Minister in the *Gazette*. 5

Minister empowered to undertake the carriage of passengers and goods otherwise than by railway.

12. (1.) The Minister shall have and shall be deemed at all times heretofore to have had power to undertake the carriage of passengers and of goods otherwise than by railway, and whether by land or water. 10

(2.) The power conferred by this section shall include power to enter into agreements with other carriers in relation to the carriage of any passengers or goods.

(3.) With respect to the carriage of passengers or goods pursuant to this section, the Minister shall, save as may be otherwise provided by contract or by notice published in the *Gazette*, have the same powers and be subject to the same liabilities, obligations, rights, and protection as he has in the case of the carriage of passengers and goods by railway. 15

Extension of power to make by-laws.

13. (1.) In addition to the matters with respect to which the Minister may make by-laws as specified in paragraph (e) of section ten of the principal Act, he may make by-laws under that section providing for the grant of licenses to persons to ply within the precincts of any railway for the hire of their services. 20

(2.) Such by-laws may prescribe conditions subject to which such licenses may be issued, and may provide for the forfeiture or transfer of such licenses, and for the payment of license fees. 25

Repeal.

14. Section four of the Government Railways Amendment Act, 1920, is hereby repealed.

Section 10 of Amendment Act, 1921-22, amended.

15. (1.) Section ten of the Government Railways Amendment Act, 1921-22, is hereby amended by inserting, after the words "over any Government railway" in subsection one, the words "or of a railway-bridge over any road or street." 30

(2.) All payments heretofore made by any Council or Board in respect of the construction or maintenance of any such railway-bridge shall be deemed to have been validly made. 35