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**RAILWAYS CLAUSES CONSOLIDATION AMENDMENT  
ACT 1980**

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**RAILWAYS CLAUSES CONSOLIDATION AMENDMENT  
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**No. 61 of 1980**

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**AN ACT to amend the Railways Clauses Consolidation Act 1901 for the purpose of making further provision with respect to the inspection of railways.**

**[Royal Assent 6 October 1980]**

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—This Act may be cited as the *Railways Clauses Consolidation Amendment Act 1980*. Short title.

**2**—(1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on such date as may be fixed by proclamation.

Principal Act. **3**—In this Act, the *Railways Clauses Consolidation Act 1901*\* is referred to as the Principal Act.

Substitution of section 37 of Principal Act. **4**—Section 37 of the Principal Act is repealed and the following section is substituted:—

Maintenance and inspection of railway.

37—(1) The promoters shall properly and efficiently maintain the railway and the rolling-stock of the railway.

(2) The promoters shall arrange for the railway and rolling-stock of the railway to be inspected on or before 31st August in each year, or at such other time as the Minister may require, by a person prescribed under the regulations made under the Act.

(3) On completion of an inspection carried out under subsection (2), the person who carried out that inspection shall forward to the promoters—

(a) a report as to the state and condition of repair of the railway and the rolling-stock of the railway; and

(b) his recommendation as to—

(i) the repairs that should be made to the railway or the rolling-stock of the railway; and

(ii) any additions that should be made to that rolling-stock.

(4) Within 30 days of the receipt of the report and recommendation referred to in subsection (3), the promoters shall forward that report and recommendation to the Minister.

(5) If the promoters fail to comply with subsection (2) or (4), they are guilty of an offence and are liable on summary conviction to a penalty not exceeding \$1 000.

(6) The cost of an inspection carried out pursuant to subsection (2) shall be paid by the promoters.

\* 1 Edw. VII No. 14. For this Act, as amended to 1959, see Reprint of Statutes (1826-1959), Vol. 5. p. 151. Subsequently amended by No. 55 of 1965 and No. 28 of 1976.

**5**—After section 37 of the Principal Act, the following section is inserted:—

Insertion in  
Principal Act  
of new  
section 37A.

37A—(1) After consideration of the report and recommendation referred to in section 37 (3), the Minister may require the promoters to make—

Minister may  
require repairs  
to be made to  
railways, &c.

(a) such of the repairs to the railway; or

(b) such of the repairs and additions to the rolling-stock of the railway,

referred to in the recommendation as he considers necessary to ensure the efficient maintenance and working of the railway, and the safety of the passengers travelling on that railway, in accordance with the provisions of this Act.

(2) The promoters shall, within such time as the Minister directs—

(a) make such repairs to the railway;

(b) make such additions and repairs to the rolling-stock of the railway,

as the Minister requires under subsection (1).

(3) If the promoters fail to comply with subsection (2), they are guilty of an offence and liable on summary conviction to a penalty not exceeding \$1 000 and, in the case of a continuing offence, a further penalty not exceeding \$50 for each day during which the offence continues.

**6**—After section 96 of the Principal Act, the following section is inserted:—

Insertion in  
Principal Act  
of new  
section 96A.

96A—A person who, without lawful justification or excuse, obstructs, hinders, or resists a person prescribed under the regulations made under the Act from carrying out an inspection under section 37 is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$200.

Penalty for  
obstructing  
inspection  
of railway.

Insertion in  
Principal Act  
of new  
section 101.

**7**—After section 100 of the Principal Act, the following section is inserted:—

Regulations.

101—The Governor may make regulations for the purposes of this Act.