

THE SECOND SCHEDULE—*continued.*

Department.	1960-61.	Reserved by Law.	Voted.
	£	£	£
<i>Brought forward</i> .....	10,404,305	1,486,623	8,917,382
VIII—MINISTER FOR MINES.			
Mines .....	157,305	....	157,305
IX—MINISTER FOR AGRICULTURE.			
Agriculture .....	873,770	....	873,770
Miscellaneous — Minister for Agriculture .....	259,913	20,805	239,108
X—MINISTER FOR HEALTH.			
Health Services .....	3,477,910	....	3,477,910
Miscellaneous — Minister for Health .....	86,020	....	86,020
XI—MINISTER FOR HOUSING AND POLICE			
Housing .....	80,817	26,838	53,979
Police .....	1,021,829	....	1,021,829
XII—MINISTER FOR TOURISTS, IMMI- GRATION & FORESTRY			
Tourist and Immigration .....	229,220	....	229,220
Forestry .....	518,553	513,553	5,000
XIII—MINISTER FOR TRANSPORT.			
Miscellaneous — Minister for Transport .....	1,328,572	1,048,472	280,100
PENSIONS, &C. ....	377,840	267,940	109,900
INTEREST .....	7,151,000	7,151,000	....
SINKING FUNDS, &C. ....	1,225,085	1,221,400	3,685
SPECIAL APPROPRIATION .....	....	....	....
	£ 27,192,139	11,736,631	15,455,508

**RAILWAY MANAGEMENT.**

No. 37 of 1960.

AN ACT to amend the *Railway Management Act*  
1935. [14 November 1960.]

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—(1) This Act may be cited as the *Railway Management Act* 1960. Short title and citation.

(2) The *Railway Management Act 1935*, as subsequently amended, is in this Act referred to as the Principal Act.

**2** Section twenty-six of the Principal Act is repealed and the following section is substituted therefor:—

- “ 26—(1) Subject to this section, the Commission may— Powers of Commission as to the carriage by road of goods, &c. Cf. No. 30 of 1912 (N.S.W.), s. 16.
- I Appoint places outside the limits of a railway (being places situated within a prescribed locality or area) as depots at which to receive or deliver, or cause to be received or delivered, livestock, goods, parcels, passengers' luggage, and mails, or any of them:
  - II Collect or cause to be collected from any place outside the limits of a railway, livestock, goods, parcels, passengers' luggage, and mails, or any of them, for carriage by railway:
  - III Deliver or cause to be delivered, to or at any place outside the limits of a railway, livestock, goods, parcels, passengers' luggage, and mails, or any of them, that have been carried by railway:
  - IV Carry or cause to be carried wholly or partly by road, livestock, goods, parcels, passengers' luggage, and mails, or any of them, collected or received for carriage by railway, and deliver them or cause them to be delivered at any place within or without the limits of a railway:
  - V Carry in vehicles belonging to the Commission, or cause to be carried—
    - (a) Between a prescribed railway station and any other railway station not more than twenty-five miles distant, by rail, from that prescribed railway station: or
    - (b) Between any two railway stations, neither of which is more than twenty-five miles distant, by rail, from the same prescribed railway station,
 any livestock, goods, parcels, passengers' luggage, or mails that have been or are intended to be carried by rail, and have been delivered to a railway station:
  - VI Construct, hire, or purchase road vehicles, and use or maintain any such vehicles, or cause them to be used or maintained, for the carriage by road to or from a railway of livestock, goods, parcels, passengers' luggage, and mails, or any of them: and
  - VII Do, execute, enter into, and perform all or any such contracts, acts, and things as the Commission may think necessary or proper for any of the purposes of this section.

“(2) A contract entered into under paragraph VII of subsection (1) of this section shall not be entered into for a longer term than three years.

“(3) The Commission may, by public notice, fix the rates and charges to be paid in respect of the delivery, collection,

and carriage by the Commission by road, pursuant to this section, of livestock, goods, parcels, passengers' luggage, mails, or any of them.

“(4) Any rates and charges fixed pursuant to subsection (3) of this section are recoverable in the same manner as other rates and charges fixed by the Commission under this Act.

“(5) Before exercising any of the powers conferred on it by paragraphs II, III, and IV of subsection (1) of this section, the Commission shall, by public notice in a newspaper, invite persons to submit to the Commission tenders specifying the rates at which they would be prepared to undertake the collection, delivery, or carriage specified in the notice, except in the case of household furniture in which case quotations must be obtained.

“(6) If, in the opinion of the Commission, none of the rates specified in the tenders submitted in accordance with an invitation issued under subsection (5) of this section is reasonable, it may reject all of the tenders so submitted and, if it does so, the Commission shall, by notice in writing served on, or sent by post to, each tenderer, notify him of the rejection of his tender.

“(7) Subject to subsection (12) of this section, if a person is aggrieved by the decision of the Commission under subsection (6) of this section to reject a tender submitted by him, that person may, within fourteen days after the decision has been notified to him, appeal, as prescribed, from that decision to the appeal tribunal.

“(8) On an appeal under this section the appeal tribunal shall determine whether or not the rates specified in the tender to which the appeal relates are reasonable and where the appeal tribunal has determined the rates specified in the tender are not reasonable, it shall if so required by the appellant or the Commission, determine the rates that it considers reasonable, and the Commission may give the appellant an opportunity of entering into a contract with it at the rates so determined.

“(9) If a person who has submitted a tender in accordance with an invitation issued under subsection (5) of this section is able and willing to enter into and carry out a contract in accordance with that tender and the rates specified in that tender are considered by the Commission to be reasonable or are determined by the tribunal to be reasonable, the Commission shall not exercise the powers conferred on it by paragraphs II, III, and IV of subsection (1) of this section in so far as they may be exercised by the entering into of that contract, otherwise than by entering into that contract or a contract in accordance with some other tender submitted in accordance with that invitation whose terms are more favourable.

“(10) For the purposes of this section, there shall be a tribunal (in this section referred to as the ‘ appeal tribunal ’),

which shall consist of three persons appointed by the Governor, of whom—

- I One shall be a chartered accountant, who shall be the chairman of the tribunal:
- II One shall be a person nominated by the Tasmanian Road Transport Association: and
- III One shall be a person nominated by the Commission.

“(11) The procedure on the hearing of an appeal under this section shall be as prescribed, and the decision of the tribunal on the determination of such an appeal is final.

“(12) Notwithstanding anything in the foregoing provisions of this section—

- I The Commission is not obliged to accept any tender submitted in respect of the collection, delivery, or carriage of small goods at, to, or from any place within a radius of five miles from a prescribed railway station, but may, in its absolute discretion, determine to carry on any such collection, delivery, or carriage itself:
- II No person has any right of appeal under this section in respect of any determination of the Commission under paragraph I of this subsection:
- III In a case of emergency, but not otherwise, the Commission may carry wholly or partly by road, in vehicles belonging to the Commission, livestock, goods, parcels, passengers' luggage, and mails, or any of them, collected or received for carriage by railway, and deliver them at any place within or without the limits of a railway: and
- IV The Commission may collect from any railway station and deliver, in vehicles belonging to the Commission, to any place at which works are being constructed by the Hydro-Electric Commission (being a place, either within or without the limits of a railway, that is not nearer by roads reasonably capable of being used for the carriage of cement in those vehicles, to a privately owned railway station than it is to a railway station owned by the Commission) cement for use in the construction of those works, being cement that has been carried by railway.

“(13) For the purposes of paragraph IV of subsection (12) of this section ‘privately owned railway station’ means a railway station that is managed otherwise than by or on behalf of the Commission or the Hydro-Electric Commission.

“(14) The Governor may make regulations for the purposes of this section.

“(15) In this section—

‘Emergency’ includes a blockage of a line of railway by reason of a derailment, landslip, washaway, or other like happening, and a cessation (whether wholly or in part) of rail services resulting from an industrial dispute:

‘ Prescribed railway station ’ means—

- I The Hobart Railway Station:
- II The Launceston Railway Station: and
- III Any other railway station that is declared, by the regulations, to be a prescribed railway station for the purposes of this section:

‘ Small goods ’ means any goods the weight of which does not exceed three hundredweight.”.

---

## STAMP DUTIES.

---

No. 38 of 1960.

AN ACT to amend the *Stamp Duties Act 1931*.  
[14 November 1960.]

**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:—

Short title and citation.

**1**—(1) This Act may be cited as the *Stamp Duties Act 1960*.

(2) The *Stamp Duties Act 1931*, as subsequently amended, is in this Act referred to as the Principal Act.

Interpretation.

**2** Section three of the Principal Act is amended by inserting after the definition of “ Premium income ” the following definition:—

“ ‘ Private hospital ’ means any place (not being a public hospital within the meaning of the *Hospitals Act 1918*) in which medical or surgical or lying-in cases are, or are intended to be, received and lodged for any treatment, attendance, or care for which a charge is made:”.

Third schedule.

**3** The third schedule to the Principal Act is amended by omitting the words “ within the meaning of that Act ” from the following provisions of that schedule:—

- (a) Sub-paragraph (b) of paragraph v of the item “ *Drafts or Orders on a Banker* ” under the heading “ FROM DUTIES IMPOSED UNDER PART I ”;
- (b) Sub-paragraph (c) of paragraph II under the heading “ FROM DUTIES IMPOSED UNDER PART II ”;
- (c) Sub-paragraph (b) of paragraph XVII of the item “ *Receipts* ” under the heading “ FROM DUTIES IMPOSED UNDER PART IV ”; and
- (d) The fifth item under the heading “ FROM ALL DUTIES WHATSOEVER ”.