

LEGISLATIVE ASSEMBLY

Read 1^o 7 October 1981

(Brought in by Mr Maclellan and Mr Lacy)

A BILL

To make Provision with respect to the Establishment, Management, and Operation of Tourist Railways and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be cited as the *Tourist Railways Act 1981*. Short title.

(2) This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

10 2. (1) Where the Victorian Railways Board has closed any railway or part thereof for traffic the Governor in Council may by Order published in the *Government Gazette* grant to any person the right to occupy that railway or part thereof for a tourist railway and to manage, operate and maintain a tourist railway service thereon. Power to Governor in Council to authorize tourist railways.

15 (2) Any Order under sub-section (1) may be made subject to such terms and conditions as the Governor in Council thinks fit.

(3) Any Order made under sub-section (1) may be revoked at any time by the Governor in Council.

Provisions applicable to tourist railways.

3. While an order under section 2 (1) is in force the following provisions shall apply in relation to the tourist railway:

- (a) All powers, duties and liabilities of the Victorian Railways Board to or in relation to that railway or part thereof shall be suspended; 5
- (b) The Governor in Council may make regulations for or with respect to all matters which are necessary or convenient to be prescribed for or in relation to the management, operation and maintenance of the tourist railway and in particular for the following: 10
 - (i) Any matter or thing that is incidental to the maintenance of safety in connexion with the operation of the tourist railway;
 - (ii) Conferring on the operator of the tourist railway any power that the Victorian Railways Board 15 might exercise in relation to a railway under its management and control;
 - (iii) Imposing any duty or obligation upon the person authorized to operate the railway that the Victorian Railways Board would be subject to if it were 20 operating the railway.

Consequential amendments of No. 6355. Reprinted to No. 9142. Subsequently amended by Nos. 9189, 9212, 9335, 9345, 9377, 9427, 9511, 9543 and 9576.

4. (1) Part IV. of the Railways Act 1958 is hereby repealed.

(2) In section 1 of the Railways Act 1958 the expression "Part IV.—Private Railways ss. 208–228." is hereby repealed.