

GOVERNMENT RAILWAYS.

6° Elizabeth II., No. XXXVII.

No. 37 of 1957.

AN ACT to amend the Government Railways Act, 1904-1955, and for other purposes.

[Assented to 18th November, 1957.]

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 Western Australia in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Government Railways Act Amendment Act, 1957*.

Short title
and citation.

(2) In this Act the Government Railways Act, 1904-1955, being Act No. 23 of 1904 as reprinted with amendments to and including Act No. 86 of 1953 incorporated pursuant to the Amendments Incorporation Act, 1938, and as further amended by Acts No. 13 of 1954, No. 73 of 1954 and No. 61 of 1955, is referred to as the principal Act.

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(3) The principal Act as amended by this Act may be cited as the Government Railways Act, 1904-1957.

S. 2
amended.

2. Section two of the principal Act is amended—

- (a) by substituting for the passage “body corporate constituted under the provisions of the Government Railways Act, 1904-1947” in the definition of “Commissioner” the words “Commissioner of the Western Australian Government Railways for the time being in office under this Act”;
- (b) by substituting for the passage “pursuant to the provisions of the Government Railways Act, 1904-1947, as amended by the Government Railways Act Amendment Act, 1948” in the last four lines of the definition of “Commission” the words “under this Act”.

S. 3
amended.

3. Section eight of the principal Act is amended—

- (a) by substituting for subsection (3) the following subsection:—

(3) The Commission shall consist of one person appointed by the Governor as Commissioner of the Western Australian Government Railways. ;

- (b) by repealing subsections (4), (5), (6) and (7);
- (c) by substituting for the words “any member of the Commission” in the first line of paragraph (a) of subsection (8) the words “the Commissioner”;
- (d) by substituting for paragraphs (b), (c), (d) and (e) of subsection (8) the following paragraphs:—

(b) In any of the cases referred to in subparagraphs (i), (iii), (v) or (vi) of the last preceding paragraph, the Commissioner shall be suspended from his office by the Governor and thereupon the Minis-

ter shall cause to be laid before each House of Parliament, within six sitting days of the House next following the suspension, a full statement of the grounds of suspension.

(c) The Commissioner, when suspended from office pursuant to the provisions of this section, shall not be restored to office unless each House of Parliament, within twenty-one days after the day on which the statement has been laid before it, declares by resolution that he ought to be restored. If each House of Parliament within that time so declares, the Commissioner shall be restored by the Governor accordingly, but otherwise the Governor may remove him from office.

(d) In respect of the period of any suspension under this section, no salary or other remuneration will be payable to the Commissioner as such unless the Governor otherwise directs.

(e) The Commissioner shall not be removed from office except as hereinbefore provided. ;

(e) by substituting for subsection (9) the following subsection:—

(9) Subject to subsection (8) of this section, the Commissioner shall hold office for seven years and may be re-appointed. ;

(f) by substituting for subsection (10) the following subsection:—

(10) The Governor may appoint a person to act as the deputy of the Commissioner in his place and during his absence, incapacity or suspension, and may appoint a person to act temporarily

as the Commissioner for a period not exceeding six months next following a vacancy in the office of Commissioner. ;

(g) by substituting for the passage “or of either of the Assistant Commissioners, as the case may be, or of any person to fill any vacancy in any of those offices” in lines three, four and five in subsection (11) the words “or any person appointed to fill a vacancy in the office of Commissioner”;

(h) by substituting for subsection (12) the following subsection:—

(12) The Commissioner shall devote the whole of his time and attention to the duties of his office and be entitled to such remuneration, allowances and leave of absence as the Governor determines. ;

(i) by substituting for subsection (13) the following subsection:—

(13) The Commissioner shall not engage in any business or occupation for remuneration, other than that of his office as Commissioner without the consent of the Governor. ;

(j) by repealing subsections (14), (15), (16), (17) and (18).

S. 9
amended.

4. Section nine of the principal Act is amended by substituting for the words “any member of the Commission” in line two the words “the Commissioner”.

S. 10
amended.

5. Section ten of the principal Act is amended by substituting for the words “any member of the Commission” where occurring in line one and again in line ten the words “the Commissioner” in each case.

6. Section eleven of the principal Act is amended— S. 11 amended.

- (a) by substituting for the words “member of the Commission” in line two of subsection (1) the words “the Commissioner”;
- (b) by repealing subsection (2).

7. Section forty-two of the principal Act is amended by inserting after the word “kind” in line three of paragraph (7) the words “vested in the Minister or in the possession, custody or control of the Commission”. S. 42 amended.

8. Section ninety-five of the principal Act is amended by substituting for the words “chairman of the Commission” in line three the word “Commissioner”. S. 95 amended.

9. Section ninety-six of the principal Act is amended— S. 96 amended.

- (a) by substituting for the words “chairman or of any member of the Commission” in lines one and two of paragraph (e) of subsection (1) the word “Commissioner”;
- (b) by repealing paragraph (f) of subsection (1);
- (c) by substituting for the word “chairman” in line four of paragraph (b) of subsection (2) the word “Commissioner”.

10. Section ninety-seven of the principal Act is amended by substituting for the word “chairman” in line four the word “Commissioner”. S. 97 amended.

11. Any act or thing done or purporting to have been done, at any time between the first day of August, 1957 and the commencement of this Act, by the Commissioner acting or purporting to act as Validation.

or for or on behalf of the Commission which would have been valid and lawful if duly authorised and done by a duly constituted Commission is deemed to be and to have been valid and lawful and is hereby authorised, ratified and validated.

Saving.

12. (1) The provisions of sections fifteen, sixteen and seventeen of the Interpretation Act, 1918 apply in respect of any amendments effected by this Act as if the words "subject to section eleven of the Criminal Code" in line one of paragraph (e) of subsection (1) of section sixteen of the Interpretation Act 1918 were deleted and as if the passage "notwithstanding section eleven of the Criminal Code" were added after the passage "(as the case may be)" at the end of subsection (2) of section sixteen of that Act.

(2) The express inclusion by subsection (1) of this section of the application of the provisions of sections fifteen, sixteen as modified, and seventeen of the Interpretation Act, 1918 does not exclude the application of any of the other provisions of that Act to this Act.
