

GOVERNMENT RAILWAYS.

2° Elizabeth II., No. LXXXVI.

No. 86 of 1953.

AN ACT to amend the Government Railways Act,
1904-1951.

[Assented to 18th January, 1954.]

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:—

Short title
and citation

1. (1) This Act may be cited as the *Government Railways Act Amendment Act, 1953*.

(2) In this Act the Government Railways Act, 1904-1951,

Act No. 23 of 1904 as reprinted with amendments to and including Act No. 78 of 1948, incorporated pursuant to the Amendments Incorporation Act, 1938, and as further amended by Act No. 32 of 1951,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Government Railways Act, 1904-1953.

2. Section eight of the principal Act is amended by substituting for subsection (9) the following subsection:— s. 8
amended.

(9) Where after the coming into operation of of the Government Railways Act Amendment Act, 1953

(a) the office of Commissioner of the Western Australian Government Railways becomes vacant, any one term for which the Governor may appoint a person to fill the vacancy is seven years; or

(b) an office of Assistant Commissioner of the Western Australian Government Railways becomes vacant, any one term for which the Governor may appoint a person to fill the vacancy is five years;

the provisions of subsection (7) of this section notwithstanding, but the provisions of this subsection do not affect the application of that subsection to occupants of those offices at the time of the coming into operation of that Act, nor preclude the Governor from appointing for a further term or terms of seven or five years, as the case may be, a person, whose term or further term or terms of office of seven or five years, as the case may be, has or have expired.

3. Section eleven of the principal Act is amended— s. 11
amended.

(a) by adding before the word, "Acceptance" in line one the figure, "1" in brackets thus— (1); and

S. 12
amended.

(b) by adding the following subsection:—

(2) Where a person who is appointed to the office of Assistant Commissioner of the Western Australian Government Railways is at the time of the appointment employed by the Commission, he is entitled on the expiration of the term or a further term, or further terms, if any, of the appointment to that office, to reinstatement in employment by the Commission at the classification and with the rights which would have applied to him had he continued to be employed by the Commission during the term or further term, or terms, if any, of his appointment to that office of Assistant Commissioner.

Cf. No. 78 of
1948, ss. 2 and
12 (b) and
Gazette of
1/7/1949,
p. 1410.

4. Section twelve of the principal Act is amended—

(a) by substituting for the words after the word, “means” in line one of the definition, “appointed day” to the end of that definition the words, “the day fixed for the coming into operation of the Government Railways Act Amendment Act, 1948, namely, the first day of July, one thousand nine hundred and forty-nine”; and

Ratification.

(b) by adding after subsection (5) the following subsection:—

(6) In order to resolve any doubt which there may be in respect of

(a) the body corporate by the name of the Commissioner constituted pursuant to the Government Railways Act, 1904-1947, having ceased to exist on the first day of July, one thousand nine hundred and forty-nine,

it is confirmed that the body ceased to exist on that day;

(b) the respective functions mentioned in subsection (2) of this section, having been transferred on that day to the Minister and to the Commission respectively,

it is confirmed that those functions were so transferred on that day;

- (c) the validity of the exercise, between the thirtieth day of June, one thousand nine hundred and forty-nine, and the coming into operation of the Government Railways Act Amendment Act, 1953, of those respective functions by the Minister or the Commission,

everything which has been done, or which purports to have been done by the Minister and the Commission during that period in exercise of those respective functions, is ratified as lawful and validated; or

- (d) the validity of anything which has been done or which purports to have been done during that period under subsections (3), (4) or (5) of this subsection,

everything which has been so done or which purports to have been so done is ratified as lawful and validated.
