

GOVERNMENT RAILWAYS.

12° and 13° GEO. VI., No. LXXVIII.

No. 78 of 1948.

**AN ACT to amend the Government Railways Act,
1904-1947.**

[Assented to 25th January, 1949.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Government Railways Act Amendment Act, 1948*, and shall be read as one with the *Government Railways Act, 1904-1947* (Act No. 23 of 1904, as amended by Acts Nos. 29 of 1907, 56 of 1926, 36 of 1933, 15 of 1939 and 72 of 1947), hereinafter referred to as the principal Act.

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Citation of principal Act as amended by this Act.

3. The principal Act as amended by this Act may be cited as the *Government Railways Act, 1904-1948*.

4. Section one of the principal Act is amended by— Amendment of s. 1.

(a) substituting for the words—

PART II.—THE COMMISSIONER OF RAILWAYS,
SS. 7-15.

in line five the following:—

PART II.—DIRECTION AND MANAGEMENT OF
THE WESTERN AUSTRALIAN GOVERNMENT
RAILWAYS, SS. 7-15A.

*Division 1—The Western Australian Gov-
ernment Railways Commission, ss. 7-15.*

*Division 2—Abolition of the body corpor-
ate by the name of the Commissioner
and transfer of functions, powers,
rights, benefits and obligations, s. 15A.*

(b) substituting for the words—

PART III.—THE MANAGEMENT, MAINTENANCE
AND CONTROL OF RAILWAYS, SS. 16-53.

in lines six and seven, the words—

PART III.—THE DIRECTION, MANAGEMENT,
MAINTENANCE, AND CONTROL OF THE
WESTERN AUSTRALIAN GOVERNMENT
RAILWAYS, SS. 16-53.;

(c) substituting for the figure “54” in line eight the
figure and letter “53A”;

(d) substituting for the figure “84” in line eleven,
the figure “91”.

5. Section two of the principal Act is amended by— Amendment of s. 2.

(a) substituting for the words “Commissioner of
Railways for the time being” in lines four
and five the words “body corporate con-
stituted under the provisions of the Govern-
ment Railways Act, 1904-1947”;

(b) inserting a definition before the word “Depart-
ment” in line six as follows:— No. 23 of
1904, s. 8.

“Commission” means the body corporate
by the name of the Western Australian
Government Railways Commission,
constituted pursuant to the provisions
of the Government Railways Act, 1904-
1947, as amended by the Government
Railways Act Amendment Act, 1948.

- (c) inserting after the word "luggage" in line eight the words "including passengers' luggage,".

General
amendments.

6. The principal Act is amended by—
- (a) substituting for the word "Commissioner" wherever it appears the word "Commission" and effecting consequential grammatical alterations;
- (b) inserting before the word "Board" wherever it refers to the "Appeal Board" constituted pursuant to the provisions of section seventy of the principal Act the word "Appeal".

Amendment
of s. 4.
Cf. No. 41 of
1945, s. 3.

7. Section four of the principal Act is amended by—
- (a) inserting before the word "All" in line one the figure one in brackets thus "(1)";
- (b) adding after the words "His Majesty" in line two a subsection as follows:—
- (2) The Minister of the Crown to whom the Administration of this Act is, for the time being committed by the Governor shall be a body corporate under the name "Minister for Western Australian Government Railways" with perpetual succession and a common seal.

Amendment
of 29 of 1907,
ss. 17, 18 and
19.

8. The Government Railways Amendment Act, 1907 (Act No. 29 of 1907), is amended by—
- (a) inserting after the word "railway" in section seventeen, line two, the words "or Government Railway";
- (b) substituting for the words "the principal" in section eighteen, line five, the word "this," and
- (c) substituting for section nineteen the following:—

Subject to the provisions of this section the provisions of this Act shall apply to district railways.

9. The principal Act is amended by inserting after section four, as section four A, sections sixteen, seventeen, eighteen and nineteen of Act No. 29 of 1907, as amended by the last preceding section, renumbered as subsections (1), (2), (3) and (4), respectively, of section four A. New s 4A.

10. The principal Act is amended by—

Amendment
of headnote
to Part II.

(a) substituting for the words—

PART II.—THE COMMISSIONER OF RAILWAYS.
immediately preceding section seven, the
words—

PART II.—DIRECTION AND MANAGEMENT OF
THE WESTERN AUSTRALIAN GOVERNMENT
RAILWAYS.

*Division 1—The Western Australian Gov-
ernment Railways Commission.*

(b) repealing sections seven to thirteen, both inclusive, and by inserting in their stead the following:—

Repeal of ss.
7-13, and
substitution
of ss. 7-8.

7. (1) For the purposes of this Act there shall be constituted a Commission under the name of The Western Australian Government Railways Commission.

New s. 7.
Commission.

(2) The Commission shall be the permanent head of the Department, and, subject to the Minister, except as provided in section sixty-eight of this Act, shall be responsible for the administration of this Act.

Cf. No. 33 of
1928, s. 8.

(3) The Commission shall consist of three persons appointed by the Governor as members, as to one, as Commissioner of the Western Australian Government Railways, as to each of the other two, as an Assistant Commissioner of the Western Australian Government Railways.

Constitution
of Commis-
sion.

(4) The person appointed to the office of Commissioner shall have a comprehensive knowledge and experience in the management, maintenance and control of railways

Qualifications
for appoint-
ment to
office of Com-
missioner.

Qualifications for appointment to one office of Assistant Commissioner.

(5) One of the persons appointed to one of the offices of Assistant Commissioner shall have a comprehensive knowledge and experience in the conduct of the commercial, traffic and accounting aspects of the business of the management, maintenance and control of railways.

Qualifications for appointment to other office of Assistant Commissioner.

(6) One of the persons appointed to one of the offices of Assistant Commissioner shall be a qualified engineer and have a comprehensive knowledge and experience of engineering in relation to the management, maintenance and control of railways.

Members of Commission permanently employed officers of the Department.

(7) Subject to the provisions of this section, each person appointed to an office on the Commission as a member shall hold that office subject to the provisions of this Act relating to and as a permanently employed officer of the Department.

Circumstances in which office on Commission becomes vacant.

(8) (a) If any member of the Commission—

- (i) is absent from his duties for a period of at least one month without the consent of the Minister;
- (ii) becomes of unsound mind, or is declared, under the provisions of any law for the time being relating to mental infirmity, incapable of managing his affairs;
- (iii) becomes bankrupt or avails himself as a debtor of any law for the relief of bankrupt debtors;
- (iv) resigns, attains the age of sixty-five years, or dies;
- (v) participates or claims to be entitled to participate in the profit of or in any commission, benefit, or emolument arising from any contracts or agreements made under the provisions of this Act by or on behalf of the Government,

other than such as are referred to in section thirty-five of the Constitution Acts Amendment Act, 1899;

Of. Act No. 19 of 1899, s. 35 as amended by Act No. 52 of 1945, s. 2.

(vi) is guilty of misbehaviour or of incapacity,

his office on the Commission shall, subject to the succeeding paragraphs of this subsection, become vacant.

(b) In any of the cases referred to in subparagraphs (i), (iii), (v) or (vi) of the last preceding paragraph, the member concerned shall be suspended from his office by the Governor, and thereupon the Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven days after the suspension, if Parliament is sitting, or if Parliament is not sitting, within seven days after the commencement of the next session.

Formerly s. 13, ss. (2) of No. 23 of 1904.

(c) The occupant of any of the offices of Commissioner or Assistant Commissioner, when suspended from that office pursuant to the provisions of this section, shall not be restored to office unless each House of Parliament, within forty days after the day on which the statement has been laid before it, declares by resolution that he ought to be restored.

Formerly s. 13, ss. (3) of No. 23 of 1904.

(d) If each House of Parliament within that time so declares, the occupant so suspended shall be restored by the Governor accordingly, but otherwise may be removed from office.

Formerly s. 13, ss. (4) of No. 23 of 1904.

(e) The occupant of any of the offices of Commissioner or Assistant Commissioner shall not be removed from office except as hereinbefore provided.

Formerly s. 13, ss. (5) of No. 23 of 1904.

Appointment
to fill vacancy
in office.

(9) When the office of Commissioner or either of the offices of Assistant Commissioner becomes vacant otherwise than by effluxion of the term for which the occupant was appointed, the Governor may appoint to the vacant office for the remainder of that term a person having the requisite knowledge and experience, and at the expiration of that remainder that person shall be eligible for re-appointment.

Appointment
of deputies.

(10) The Governor may appoint to act in the place and during the absence of the occupant of the office of Commissioner or the occupant of either of the offices of Assistant Commissioner as deputy for that occupant such persons as shall have the requisite knowledge and experience.

Validity of
functions of
deputies, etc.

(11) No appointment of, and no act, matter or thing done by any person as a deputy of the Commissioner 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 shall be questioned on the ground that the occasion for the appointment had not arisen or had ceased.

Full time
duties and
remuneration,
etc.

(12) In respect of the offices of Commissioner and Assistant Commissioners, the occupants shall devote the whole of their time and attention to the duties of the office and be entitled to such remuneration, allowances and leave of absence as shall be determined by the Governor.

Exclusive
occupation
in office.

(13) No member of the Commission shall engage in any business or occupation for remuneration other than that of his office on the Commission without the consent of the Governor.

Chairman.

(14) The Commissioner shall be chairman of the Commission and shall nominate one of the Assistant Commissioners to act in his place as chairman during his absence.

(15) At any meeting at which the Commissioner and both Assistant Commissioners are present, the resolution of the majority shall be the resolution of the Commission:

Majority resolutions.

Provided that in any case where the Commissioner is of an opinion different from that of the Assistant Commissioners with respect to any matter and agreement is not reached, the Commissioner shall report in detail the differing opinions to the Minister, who shall determine the matter.

Minister to determine in case of disagreement.

(16) Two of the members of the Commission shall form a quorum and shall have all the powers and duties conferred upon the Commission by the provisions of this Act:

Quorum.

Provided that when at any meeting of the Commission at which two of the members only are present, there is a difference of opinion on any matter, the resolution of that matter shall be postponed to a meeting at which all three members are present.

Postponement in case of disagreement.

(17) The convention of meetings and conduct of proceedings of the Commission shall be as prescribed, and until prescribed shall be regulated by the Commission:

Convention of meetings and conduct of proceedings.

Provided that each member of the Commission shall be entitled to one vote only.

(18) The Commission shall keep a record of its meetings and proceedings.

Records to be kept.

(19) The Commission shall be a body corporate, with perpetual succession and a common seal.

Commission a body corporate.

8. No act, matter or thing done by the Minister or any member of the Commission or any agent or servant of any of them, if done in good faith in the exercise of his powers or in the performance of his duties under this Act, shall subject him to any personal liability.

New s. 8, Protection of persons.

Amendment
of s. 14.

11. Section fourteen of the principal Act is amended by—

- (a) substituting for the words “the Commissioner” in lines one and seven the words “any member of the Commission.”;
- (b) inserting after the word “contract” in line seven the words “or agreement”;
- (c) adding after the word “years” in line eleven, a proviso as follows:—

Provided that the foregoing provisions of this section shall not apply in respect of any profit commission, benefit, or emolument arising from any such contracts or agreements as are referred to in section thirty-five of the Constitution Acts Amendment Act, 1899.

Repeal and
re-enactment
of s. 15.

12. The principal Act is amended by—

- (a) substituting for section fifteen the following:—

15. Acceptance of or acting in the office of member of the Commission by any person shall not of itself render the provisions of the Public Service Act, 1904-1947, the Superannuation Act, 1871, or the Superannuation and Family Benefits Act, 1938-1947, applicable to him, nor affect the application of those provisions to him if they applied to him at the time of the coming into operation of the Government Railways Act Amendment Act, 1948;

- (b) adding the following:—

Division 2—Abolition of the Body Corporate by the name of the Commissioner and transfer of functions, powers, rights, benefits and obligations.

Division 2,
added.

s. 15A, added.
Definitions.

15A. (1) For the purposes of this section—

“appointed day” means a day to be fixed by proclamation;

“function” includes power, right, benefit and obligation.

(2) On the appointed day, by force of this section, the body corporate by the name of the Commissioner constituted pursuant to the provisions of the Government Railways Act, 1904-1947, shall cease to exist, and thereafter the functions until then exercised and exercisable by that body corporate shall be transferred—

Abolition of "Commissioner" and transfer of functions.

(a) as to matters of policy, to the Minister;

(b) as to matters of administration, subject to the provisions of this Act, to the Commission.

(3) If anything has been commenced by or under the authority of that body corporate by the name of the Commissioner before the appointed day in relation to the functions transferred by this section, the Commission, subject to the provisions of this Act, may carry on and complete it.

Transition provisions.

(4) If, at the appointed day, there is pending any legal proceeding to which that body corporate, by the name of the Commissioner is a party and which relates to the functions transferred by this section, the Commission may be substituted for the Commissioner in the proceedings, which shall not abate because of the transfer.

No abatement of legal proceedings.

(5) In the construing, and for the purposes, of any Act, rule, regulation, by-law, judgment, decree, order, award, deed, contract or other document, whether of the same or a different kind as or from the foregoing, the Commission may be substituted for that body corporate by the name of the Commissioner, but so far only as may be necessary or convenient for the purposes of or in consequence of the transfer of functions by the provisions of this section.

Construction of documents.

Amendment
of headnote
to Part III.

13. The principal Act is amended by substituting for the words—

PART III.—THE MANAGEMENT, MAINTENANCE
AND CONTROL OF RAILWAYS.

immediately preceding section sixteen, the
words—

PART III.—THE DIRECTION, MANAGEMENT,
MAINTENANCE AND CONTROL OF THE
WESTERN AUSTRALIAN GOVERNMENT
RAILWAYS.

Amendment
of s. 22.

14. Section twenty-two of the principal Act is amended by inserting after the word “charges” in paragraph (3), line one, the words “including differential charges in accordance with the risk the Commission undertakes”.

Amendment
of s. 23.

15. Section twenty-three of the principal Act is amended by—

- (a) substituting for the words “regulations of the Department of Agriculture in force for the time being” in paragraph (9), lines four and five, the words “provisions of any Acts and regulations relating thereto”;
- (b) inserting after the word “goods” in paragraph (19), in each of lines three and four, the words “including passengers’ luggage”;
- (c) inserting after paragraph (26) a paragraph as follows:—

(26a) For the control, supervision and guidance of persons engaged in the management, maintenance and control of the Government Railways and for prescribing the form and manner of signing and executing documents to be made or issued under this Act and for the promulgation of all acts, matters and things necessary, expedient or convenient for carrying into operation or for facilitating the operation of this Act.

Amendment
of s. 24.

16. Section thirty-four of the principal Act is amended by substituting for the words “two years” in subsection (1), line twelve, the words “six months.”

17. Section thirty-seven of the principal Act is amended by inserting after the word "goods" in subsection (1), paragraph (a), line one, the words "including passengers' luggage".

Amendment
of s. 37.

18. The principal Act is amended by inserting after the word "department" in section forty-four, line thirteen, section forty-nine, line thirteen, and section fifty, line three, the words "or Commission".

Amendment
of ss. 44, 49
and 50.

19. The principal Act is amended by inserting after the heading "Part IV.—Accounts," the following sections:—

New ss. 53A
to 53E.

53A. The Commission shall provide, keep and maintain such accounts in such manner and form as the Auditor General shall from time to time require, and shall enter therein, true and regular accounts—

Accounts.
Cf. s. 84 (2),
inserted
60 of 1945,
s. 51.

(a) of all moneys received and paid and of all moneys owing to and by the Commission, and of the several purposes for which such moneys are received and paid and owing; and

(b) of all assets and liabilities, profits and losses.

53B. The Commission shall determine the amount of the depreciation and obsolescence of the assets in relation to the exercise by the Commission of its powers and the discharge of its duties under this Act:

Depreciation.
60 of 1945,
s. 52.

Provided that when and as often as the Auditor General is of the opinion that any such amount should be increased, the amount determined by the Auditor General shall, subject to the approval of the Governor prevail.

53C. The books of accounts which have hitherto been kept by the body corporate under the name of the Commissioner or shall hereafter be kept by the Commission shall be open to the inspection of the Auditor General and any person authorised by him to inspect the same, and copies or extracts may be taken therefrom.

Books may
be inspected.
60 of 1945,
s. 55.

53D. The Commission shall balance or cause to be balanced all its accounts on the thirtieth day of June in each year.

Accounts to
be balanced.
60 of 1945,
s. 56.

Accounts to
be audited,
60 of 1945,
s. 57.

53E. (1) The Commission shall once in every year cause a full and true balance sheet of its assets and liabilities, together with a profit and loss account, and such other statements (including statistical records) as may be necessary or required by the Auditor General to be compiled from the books of accounts, to be prepared and to be submitted to the Auditor General for audit.

(2) The balance sheet and statements shall be so prepared as to show fully and faithfully the financial position of the Government Railways and all undertakings under the Commission's control, and the financial results of the Commission's operations for the year.

(3) The Auditor General shall certify that he has found the accounts in order or otherwise, as the case may be, and whether in his opinion the accounts are properly drawn up so as to present a true and correct view of the transactions for the period under review as shown by the books, and all items of receipts and payments and all known liabilities and assets have been fairly brought into account and the value of all assets fairly stated.

(4) The Auditor General shall in respect of such accounts have all the powers conferred upon him by the Audit Act, 1904, and shall arrange for a periodical or continuous audit of such accounts.

(5) The Commission may, subject to this Act, retain or appoint an internal auditing staff whose duty it shall be to conduct a continuous audit of the accounts:

Provided that the nature and extent of the audit work to be performed shall be subject to the approval of the Auditor General.

Amendment
of s. 55.

20. Section fifty-five of the principal Act is amended by inserting after the word "Consolidated" in line four the word "Revenue."

Amendment
of s. 56.

21. Section fifty-six of the principal Act is amended by substituting—

(a) for the words "Chief Railway Storekeeper" in lines six the words "Comptroller of Stores," and

- (b) for the words "any head of expenditure" in line eleven the words "the appropriate account entitled to the credit."

22. The principal Act is amended by substituting for section fifty-nine the following:— Amendment of s. 59.

59. (1) The Commission may, subject to the provisions of this section, from time to time— Restaurant cars refreshment rooms, book-stalls, etc., may be leased. 28 of 1904, s. 59. 32 of 1911, ss. 36 and 46 (3).

- (a) after calling tenders, lease, for any period not exceeding three years, and on such terms and conditions as it thinks fit, railway restaurant cars, and any part of the land or buildings of a railway, for the sale, subject to the provisions of the Licensing Act, 1911, as amended, of refreshments, books or other articles, or the use of the walls of any such buildings or of any part of the rolling-stock, for the display of advertisements thereon, and

- (b) subject to the provisions of the Licensing Act, 1911, as amended, by its servants and agents sell any spirituous and fermented liquors in any railway refreshment room under its management or control. 32 of 1911, s. 46 (3).

(2) Nothing in this section shall authorise the granting of a lease for the purpose of nor the sale of spirituous and fermented liquors in railway restaurant cars.

(3) No individual sale of spirituous or fermented liquors in any railway refreshment room shall be of greater quantity than that prescribed.

23. Section sixty-eight of the principal Act is amended by— Amendment of s. 68.

- (a) substituting for all words in lines one to six, the words "The Commission may appoint, suspend, dismiss, fine, or reduce to a lower class or grade, any officer or servant of the Department, and in the exercise of any of those powers, shall not be subject to the Minister except in the cases of such offices, and services as shall be prescribed"; and

- (b) adding after the word "Crown" in line eight the words "Provided that no fine shall be inflicted under this section for any act or omission for which an officer or servant has been punished under section thirty or thirty-one of the Traffic Act, 1919-1947, and provided that the Commission shall not inflict on any such officer or servant more than one form of punishment for the same offence."

Amendment
of s. 68A.

24. Section sixty-eight A of the principal Act is amended by—

- (a) inserting after the words "date" in subsection (4), paragraph (b), line twenty-six, a paragraph as follows:—

(ba) Any officer or servant whose employment commences after the coming into operation of the Government Railways Act Amendment Act, 1948, and who proves to the satisfaction of the Commission that he has elected to become a contributor to the Superannuation Fund established under the Superannuation and Family Benefits Act, 1938-1947;

and

- (b) substituting for the words "said Fund" in subsection (5), line six, and subsection (6), line two, the words "the Western Australian Government Railways and Tramways Employees' Death Benefit and Endowment Fund."

Amendment
of s. 69.

25. Section sixty-nine of the principal Act is amended by adding after the word "authority" in line six the words "or (4) suspended from employment in such circumstances as to involve loss of pay, or (5) transferred by way of punishment involving loss of transfer expenses."

Amendment
of s. 70.

26. Section seventy of the principal Act is amended by—

- (a) inserting before the word "Police" in paragraph (a), line one, the word "Stipendiary";

- (b) substituting for the word "branch" in paragraph (c), line thirteen, the word "section";
- (c) substituting for the word "Department" in paragraph (c), lines fifteen and sixteen, the word "section.";
- (d) deleting the word "branch" in paragraph (c), line twenty-one;
- (e) substituting for the words "Chief Engineer of Way and Works" in paragraph (c), lines twenty-six and twenty-seven, the words "Civil Engineering"; and
- (f) deleting all words in lines twentyeight to thirty-seven, both inclusive, of paragraph (c).

27. Section seventy-one of the principal Act is amended by inserting after subsection (4), section eleven of Act No. 29 of 1907, re-numbered as subsection (5). Amendment
of s. 71.

28. Section seventy-four of the principal Act is amended by substituting for paragraph (4) the following:— Amendment
of s. 74.

(4) The parties may be represented at the hearing of the appeal—

(a) as to the appellant—

(i) personally,

(ii) by the secretary, or his deputy,
of the industrial union to
which the appellant belongs;
or

(iii) by an employee of the Commission nominated by the appellant; and

(b) as to the Commission, by one of its employees authorised by it in that behalf:

Provided that no party shall be entitled to representation by a legal practitioner.

29. Section eighty-one of the principal Act is repealed. Repeal of
s. 81.

30. Section eighty-two of the principal Act is repealed. Repeal of
s. 82.

Amendment
of s. 84.

31. Section eighty-four of the principal Act is amended by inserting after the word "report" in subsection (2), line one, the words "together with copies of the balance sheet and statements then last prepared and audited and the Auditor General's report thereon."

New sections
85 to 91.

32. The principal Act is amended by adding after section eighty-four the following sections:—

Saving as to
Government
departments.
Commission
to confer and
co-operate
with other
departments.
52 of 1945,
s. 2.
60 of 1945,
s. 59.

85. (1) For the purposes of this section "Government department" includes a Minister of the Crown acting in his official capacity, any State Government Department, State Trading Concern, State instrumentality, State public utility and any other person or body, whether corporate or non-corporate, who or which, under the authority of an Act of Parliament administers or carries on for the benefit of the State any public social service or public utility.

(2) Save as otherwise expressly provided, nothing in this Act shall affect any rights, powers, authorities or duties of any Government department other than the Minister or the Commission or the Department.

(3) Where the exercise of any rights, powers or authorities or the discharge of any duties by the Minister or the Commission or the Department may affect the exercise of any rights, powers or authorities, or the discharge of any duties by any other Government department, the Minister or the Commission or the Department, as the case may be, shall so far as practicable confer and co-operate with that other department.

(4) Without prejudice to the power of direction and control of the Commission conferred upon the Minister, any question, difference, or dispute arising or about to arise between the Minister or the Commission or the Department and any other Government department with respect to the exercise of any rights, powers, or authorities, or the discharge of any duties by either or both of them, may be finally and conclusively determined by the Governor.

86. Every notice, order, summons or other document requiring authentication by the Commission may be sufficiently authenticated without the seal of the Commission if signed in manner prescribed.

Documents,
how
authenticated.
60 of 1945,
s. 65.

87. The Commission may order either generally or in any particular case that proceedings be taken for the recovery of any penalties incurred under, or for the punishment of any persons offending against this Act, or under or against any by-law or regulation.

Power to
direct prose-
cutions.
23 of 1904,
s. 81.
60 of 1945,
s. 66.

88. In all proceedings in any court of petty sessions any officer of the Commission appointed by the chairman of the Commission in writing under his hand for that purpose may represent the Commission in all respects as though such officer were the party concerned.

Power of
officer to
represent
Commission.
60 of 1945,
s. 67.

89. (1) In any prosecution or legal proceeding under the provisions of this Act, or the by-laws or regulations instituted by or under the direction of the Commission, no proof shall be required (until evidence is given to the contrary) of—

Proof of cer-
tain matters
not required.
60 of 1945,
s. 68.

- (a) the constitution of the Commission;
- (b) any order of the Commission to prosecute;
- (c) the particular or general appointment of any officer of the Commission to take proceedings against any person;
- (d) the powers of the officer to prosecute;
- (e) the appointment of the chairman or of any member of the Commission, or any officer of the Commission, or
- (f) the presence of a quorum at any meeting at which any order is made or any act is done by the Commission.

(2) The production of—

- (a) a copy of the *Government Gazette* containing any rule, by-law, regulation, order, or notice purporting to have been made or given under any of the provisions of this Act, or

- (b) a copy purporting to be a true copy of any such rule, by-law, regulation, order, or notice certified as such under the hand of the chairman, or officer authorised in that behalf, of the Commission,

shall be evidence until the contrary is proved of the due making, existence, confirmation, approval and giving of such rule, by-law, regulation, order, or notice and of all preliminary steps necessary to give full force and effect to the same.

Evidence of documents issued by the Commission. 60 of 1945, s. 69.

90. All documents whatever purporting to be issued or written by or under the direction of the Commission and purporting to be signed by the chairman or officer of the Commission authorised in that behalf by the Commission shall be received as evidence in all courts and before all persons acting judicially within the State, and shall without proof be deemed to have been issued or written by or under the direction of the Committee until the contrary is shown.

Regulations.

91. The Governor may make regulations prescribing all matters which by this Act are required or permitted to be prescribed, or are convenient for carrying into operation, or for facilitating the operation of the provisions of this Act.
