

## **EASTERN GOLDFIELDS TRANSPORT BOARD.**

10° and 11° GEO. VI., No. XXXII.

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No. 32 of 1946.

**AN ACT** to constitute and regulate and confer powers on and to provide for the management of The Eastern Goldfields Transport Board; to take over, construct, maintain and work tramways within the districts of the Municipalities of Kalgoorlie and Boulder and the Kalgoorlie Road District; and to construct, maintain and work all other forms of road transport within the said districts and any adjoining road district, and to generate and supply electricity, to acquire from such firstmentioned local authorities their interests in certain agreements; and for other purposes incidental thereto.

*[Assented to 24th January, 1947.]*

**WHEREAS** under and by virtue of the Acts mentioned in the First Schedule hereto and of the Provisional Orders thereby confirmed and the Agreements and Indenture mentioned in the Second Schedule hereto, the Tramway undertakings and certain assets connected therewith within the Municipalities of Kalgoorlie and Boulder and the district of the Kalgoorlie Road Board are owned and operated by The Kalgoorlie Electric Tramways Limited (hereinafter in this preamble referred to as "the said Company"), a company duly incorporated in England and registered and carrying on business in the State of Western Australia: And whereas provision is

made in the said Agreements and Indenture in certain events which have happened for the handing over by the said Company to the Local Authorities of the Municipality of Kalgoorlie, the Municipality of Boulder and the Kalgoorlie Road Board of the said undertakings and assets at times which have now passed and upon and subject to certain terms referred to in the said Agreements and Indenture: And whereas the times for the handing over of such undertaking and assets have by agreement between the said Local Authorities and the said Company been extended until the thirty-first day of December, 1946: And whereas it is provided inter alia by section sixteen of The Tramways Act, 1885, that nothing in that Act contained shall authorise any local authority to place or run carriages upon a tramway therein referred to and to demand and take tolls and charges in respect of the use of such carriages: And whereas the said Local Authorities are desirous of taking over from the said Company of the said undertaking and assets, and of jointly constructing maintaining and working tramways within the boundaries of their respective municipalities and district and in any adjoining district, and also of generating electricity for working the said tramways, and for such purposes to constitute as in this Act mentioned a Board to be known as The Eastern Goldfields Transport Board with the powers, duties and functions in this Act mentioned: And whereas the powers of borrowing money for the purposes aforesaid conferred on such Local Authorities under the existing law are considered insufficient for the purpose of enabling the Board to take over such undertaking and assets and to carry out such works: And whereas the said Local Authorities have requested and it is expedient that Parliament should grant legal entity to such Board with the necessary powers for the purpose of carrying out the acts, matters and things aforesaid: Be it therefore 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:—

#### PRELIMINARY.

Short title.

1. This Act may be cited as the *Eastern Goldfields Transport Board Act, 1946.*

2. This Act is divided into Parts as follows:—

Division  
of Act.

PART I., SECTIONS 1 TO 5—PRELIMINARY.

PART II., SECTIONS 6 TO 22—THE EASTERN GOLDFIELDS  
TRANSPORT BOARD.

PART III., SECTIONS 23 TO 24—POWERS OF BOARD.

PART IV., SECTIONS 25 TO 27—BY-LAWS.

PART V., SECTIONS 28 TO 40—FINANCE.

*Division (I.) Sections 28 to 31—Funds and Distri-  
bution of Profits.*

*Division (II.) Sections 32 to 40—Loans.*

PART VI., SECTIONS 41 TO 44—ACCOUNTS AND AUDIT.

PART VII., SECTIONS 45 TO 47—LEGAL PROCEEDINGS  
AGAINST THE BOARD.

PART VIII., SECTIONS 48 TO 50—MISCELLANEOUS.

SCHEDULES—

FIRST SCHEDULE.

SECOND SCHEDULE.

THIRD SCHEDULE.

3. In this Act, unless inconsistent with the context or subject matter—

“Board” means The Eastern Goldfields Transport Board constituted under this Act;

“local authorities” means the Municipality of Kalgoorlie, the Municipality of Boulder and The Kalgoorlie Road District;

“undertaking” includes all the land, buildings, hereditaments, goods, chattels, vehicles, moneys, revenues, credits, debts, bills, notes, goodwill, things in action, contracts, agreements, securities, and other assets whatsoever or wheresoever of the Board and all rights, powers, privileges, licenses, and authorities of the Board and without limiting the generality of the foregoing includes all tramways and all trams, trolley buses, omnibuses and other vehicles and all lands (including any easement, right, interest or privilege in, over, or affecting any lands), buildings, works, appurtenances, rolling stock,

vehicles, furniture, books, equipment, machinery, plant, transmission lines, cables, appliances, tools, stores, stock and things (including the right of user of any patent) belonging to the Board.

Date of  
constitution of  
Board.

4. The Board shall be deemed to be constituted as from date of publication in the *Government Gazette* of notice by the Governor appointing the first Chairman of the Board.

Vesting of  
rights, etc.,  
under certain  
Acts and  
agreements.  
First and  
Second  
Schedules.

5. As from the date of constitution of the Board all the rights, interests and powers of the local authorities under and conferred by the Acts mentioned in the First Schedule hereto and by the provisional orders thereby respectively confirmed and under and conferred by the agreements and indenture mentioned in the Second Schedule hereto shall notwithstanding anything contained in any other Act to the contrary vest in the Board which shall thereupon be deemed a party to each of the said agreements and indenture in the place of the local authority or authorities named therein.

#### PART II.—THE EASTERN GOLDFIELDS TRANSPORT BOARD.

Creation  
of Board.

6. For the purposes of carrying this Act into execution there shall be a Board constituted as hereinafter provided.

Board to be  
a body  
corporate

7. The Board shall be a body corporate by the name of The Eastern Goldfields Transport Board with perpetual succession and a Common Seal which shall be officially and judicially noticed with power to break, alter and change the same from time to time; and shall by that name be capable in law of suing and being sued.

Board

8. The Board shall consist of six members elected as hereinafter provided and a Chairman appointed by the Governor from three names submitted by the local authorities, who shall not be a member of either the Kalgoorlie or the Boulder Municipal Councils or of the Kalgoorlie Road Board.

Chairman,  
duration of  
office.

9. The Chairman shall subject to this Act be entitled to hold the office of Chairman for a period of two years and be eligible for reappointment.

10. The Governor may at any time accept the resignation of or remove the Chairman and may from time to time as any vacancy occurs in the office of Chairman appoint some person to fill the vacancy.

Vacation of office, new appointment.

11. Subject to this Act members when elected shall enter upon their duties on the first day of December next following their election: provided that a member elected to fill an extraordinary vacancy shall enter upon his duties immediately after election; provided further, that the members first elected after the passing of this Act shall enter upon their duties on the first day of the month following their election.

Members, commencement of duties.

12. A member shall remain in office from the date of his entry upon his duties until and including the thirtieth day of November in the second year thereafter but shall be eligible for re-election.

Duration of office.

13. If a member dies or resigns his office or neglects or refuses to accept such office or otherwise becomes disqualified then the office shall become vacant and every such vacancy shall be deemed an extraordinary vacancy.

Extraordinary vacancy.

14. In the event of the office of any member of the Board becoming vacant under the preceding section the Board shall forthwith notify the same to the local authority which or the ratepayers whereof the member previously holding that office represented and the Council or Board of the local authority concerned shall as soon as practicable elect a person to fill such extraordinary vacancy.

Filling extraordinary vacancy.

15. Every member elected to fill an extraordinary vacancy shall be deemed for the purposes of retirement to have been elected when his immediate predecessor in office was elected and shall retire accordingly, but any member so retiring shall be capable of being re-elected if duly qualified.

Duration of office of members filling extraordinary vacancy.

16. Every person elected as a member may at any time resign and the resignation shall be complete from the date of its being received by the Chairman of the Board.

Resignation.

Quorum.

17. No business shall be transacted at any meeting of the Board unless there shall be present the Chairman and at least four members including at least one representative of each Local Authority or the ratepayers thereof. Provided however that in the absence for any reason of the Chairman five members including at least one representative of each local authority or the ratepayers thereof may constitute a quorum for the meeting and in such case those present shall before entering upon any other business appoint one of their number to act as Chairman of the meeting, but if at any meeting of the Board a quorum is not constituted owing to the absence of a representative from each of the local authorities or the ratepayers thereof, such meeting shall be adjourned for one week at the same time and place and if at such adjourned meeting the chairman and four members at least are present, such members shall constitute a quorum notwithstanding that they do not include one representative of each local authority or the ratepayers thereof.

Voting Powers.

18. At all meetings of the Board each member present shall have a deliberative vote, but the Chairman shall have a casting vote only. A member acting as Chairman pursuant to the last preceding section shall have a deliberative but not a casting vote.

Remuneration.

19. The Chairman shall for his services be entitled in every year to receive such fees and expenses as the Governor shall fix or allow but not exceeding in any one year the sum of twenty-five pounds excluding out-of-pocket expenses. Each member shall for his services as such be entitled in every year to receive a fee of twelve pounds ten shillings. All such fees and expenses shall be paid out of the general fund of the Board.

Incorporation of other Acts—qualification and disqualification.

20. Subject to this Act, the provisions of Part IV., Division 1, of the Municipal Corporations Act, 1906-1945, relating to qualification and disqualification of Mayor and Councillors but excluding section forty and subsection one of section forty-two shall *mutatis mutandis* prescribe the qualifications and disqualification of the first and all other members of the Board representing the Council or ratepayers of the municipalities and the provisions of Part III., Division 2 of the Road Districts Act, 1919-1942, relating to qualification and

disqualification of Board members, but excluding subsection one of section twenty-six shall *mutatis mutandis* prescribe the qualifications and disqualifications of the first and all other members of the Board representing the Kalgoorlie Road Board or the ratepayers thereof.

21. The first six members of the Board shall be elected as soon as practicable after the passing of this Act, and shall consist of—

First  
election of  
members of  
Board.

- (a) two members elected by the Council of the Municipality of Kalgoorlie;
- (b) two members elected by the Council of the Municipality of Boulder;
- (c) two members elected by the Kalgoorlie Road Board,

and shall hold office until and including the thirtieth day of November, one thousand nine hundred and forty-eight, and shall be eligible for re-election.

22. At all subsequent elections as hereinafter provided the six members shall be elected as follows:—

Subsequent  
elections.

- (a) (i) One by the ratepayers of the Municipality of Kalgoorlie;
- (ii) one by the ratepayers of the Municipality of Boulder;
- (iii) one by the ratepayers of the Kalgoorlie Road District;
- (iv) one by the Council of the Municipality of Kalgoorlie;
- (v) one by the Council of the Municipality of Boulder;
- (vi) one by the Kalgoorlie Road Board.

- (b) The election of the two members of the Board representing the ratepayers of the Municipalities of Kalgoorlie and Boulder respectively shall be conducted first in the year one thousand nine hundred and forty-eight and thereafter in every second year at the same time and as nearly as may be as if it were an election of a Mayor of each of the said Municipalities under the provisions of the Municipal Corporations Act, 1900-1945, and special ballot and voting papers shall be printed by the said Municipalities with such alterations as are necessary to enable the ratepayers of the said Municipalities properly to record their votes.

- (c) The election of the member of the Board representing the ratepayers of the Kalgoorlie Road District shall be conducted first in the year one thousand nine hundred and forty-eight, and thereafter in every second year at the same time and as nearly as may be as if it were an election of a member of the Road Board under the provisions of the Road Districts Act, 1919-1942, and special ballot and voting papers shall be printed by the said Road Board with such alterations as are necessary to enable the ratepayers of the said Road Board properly to record their votes.
- (d) The election of members by the said Councils and Road Board shall be conducted first in the month of November, one thousand nine hundred and forty-eight and thereafter in the month of November in every second year and in such manner as such Councils and Road Board shall respectively determine.

PART III.—POWERS OF BOARD.

Powers of Board.  
cf. Fremantle Private Act, 1903, ss. 2 and 26; and Vic. No. 3732, s. 58.

23. Subject to and for the purposes of this Act, the Board is hereby authorised and empowered—

- (a) to undertake the carriage of passengers and goods in, upon and along any of the streets and roads in the districts of the three local authorities and in any adjoining road district;
- (b) to construct, take on lease, purchase or otherwise acquire tramways and tramway undertakings within the districts of the local authorities and all cars, carriages, omnibuses, works, plant and lands incidental thereto and also trolley buses and generally all types of vehicles (whether moved by electrical or other power) suitable for the carriage of passengers and goods and all works and plant incidental thereto;
- (c) to control, manage, operate, equip, develop and maintain all undertakings constructed by, vested in, transferred to, or otherwise acquired by it;



- (d) to alter, vary, extend and abandon the routes of any such tramways or other form of transport and to substitute other routes for any so abandoned, and to substitute one form of transport for another;
- (e) to enter into any agreements and to acquire any rights, interests and powers under any subsisting agreement or agreements relating to the construction, purchasing, taking on lease or otherwise acquiring any tramway or tramway undertaking within the districts of the local authorities and any cars, carriages, omnibuses, works, plant and lands incidental thereto;
- (f) to place and run carriages upon such tramways and to demand and take tolls and make charges in respect of the use of such tramways, cars, carriages, omnibuses, trolley buses and other vehicles;
- (g) subject to the provisions of the Electricity Act, 1945, and for the purposes of this Act, to generate electricity in bulk or otherwise and to enter into contracts with any person, local authority or Government department or agency for the supply to the Board of electricity in bulk or otherwise on such terms and conditions as the Board may think fit and to supply all such electricity for use by the Board in the districts of the local authorities.

24. Without prejudice to the powers hereinbefore conferred on the Board and for the purposes of this Act the Board shall have the following powers that is to say:—

**Further Powers**

- (a) To purchase take on lease or in exchange hire or otherwise acquire any real and personal property and any rights or privileges which the Board may think necessary or convenient for the purpose of its operations.
- (b) For the purpose of carrying on its undertaking to mortgage its undertaking or any part thereof and to sell, exchange, lease, dispose of, turn to account, or otherwise deal with any

part of its undertaking, and also with the consent of the Governor to sell, lease, or abandon its undertaking.

- (e) To acquire and undertake the whole or any part of the business property or liabilities of any person or company carrying on any business or undertaking which the Board is authorised to carry on or possessed of property suitable for the purposes of the Board.
- (d) To enter into any arrangements with any authorities whether Governmental or Local or otherwise that may seem conducive to the purposes of the Board and to obtain from any such authority any rights privileges and concessions which the Board may think it desirable to obtain and to carry out exercise and comply with any such arrangements rights privileges and concessions.
- (e) To construct maintain and alter any buildings or works necessary or convenient for the purposes of the Board.
- (f) To obtain any Provisional Order or Act of Parliament for enabling the Board to carry any of its purposes into effect or for effecting any modification or amplification of the Board's constitution or for any other purpose which may seem expedient.
- (g) To appoint and, at its discretion, remove or suspend such advisers, managers, secretaries, officers, clerks, agents and servants for permanent temporary or special services as it may from time to time think fit, and to invest them with such powers as it may think expedient and to determine their duties and fix their salaries or emoluments and to require security in such amount as it thinks fit.
- (h) To institute, conduct, defend, compound or abandon any legal proceedings by or against the Board or its officers or servants and also to abandon or compound and allow time for payment or satisfaction of all debts due to and of any claims or demands by the Board.

- (i) To make and give receipts, releases and other discharges for money payable to the Board and for the claims and demands of the Board.
- (j) To open an account or accounts at any Bank in the name of the Board and to draw and indorse cheques thereon whether the account is in credit or overdrawn but so that all such cheques shall be signed by at least two members of the Board and in this context the Chairman shall be deemed a member and countersigned by the secretary or some person authorised to act as secretary; and to obtain advances by overdraft of any current account but not exceeding at any time twenty thousand pounds.
- (k) To make by-laws as to the conduct and management of its undertaking.
- (l) From time to time to establish, support, aid, subscribe or contribute to any scheme, fund or association of persons being solely the Board's employees now existing or hereafter to be formed for the purposes of making provision for such employees and for their dependants on the resignation, retirement or death of such employees or on the cessation or abolition of the positions or employment of such employees and to make subscriptions or contributions to any such scheme, fund or association either in a lump sum or by regular periodical or other payments for such period or periods and subject to such terms and conditions as the Board may deem fit to impose: Provided that the subscriptions or contributions of the Board under the provisions of this paragraph shall not in any financial year exceed the total sum collected by way of subscriptions from the Board's employees.
- (m) To invest and deal with any of the moneys of the Board not immediately required in such manner as it may think fit.
- (n) To do all such other things as are incidental or conducive thereto.

PART IV.—BY-LAWS.

Power  
relating to  
by-laws.  
cf. Vic. No.  
3732 s. 65.

25. The Board may from time to time make, alter and repeal by-laws as to the following matters:—

- (a) Prescribing tolls, fares and charges which may be demanded or taken from any passengers or any class or classes thereof and for particular days or times and particular routes and in respect of the carriage of any class or classes of goods or luggage and prescribing the conditions upon which transfers may be permitted.
- (b) The conditions under which cars, carriages, omnibuses, trolley buses or other vehicles used in the undertaking may be hired and the charges for and conditions of such hire.
- (c) The running of such cars, carriages, omnibuses, trolley buses or such other vehicles for the conveyance of workmen.
- (d) Regulating the use of such cars, carriages, omnibuses, trolley buses and other vehicles by passengers or other persons and the numbers of passengers and the amount of goods and luggage that may be carried on any such car, carriage, omnibus, trolley bus or other vehicle or on any portion thereof and prohibiting and preventing such number or amount being exceeded and generally regulating passenger and goods traffic.
- (e) Fixing stopping places and publishing time tables for such cars, carriages, omnibuses, trolley buses and other vehicles.
- (f) Prohibiting the committing of any nuisance in or upon any such car, carriage, omnibus, trolley bus or other vehicle or in or upon or against any part of the property of the Board.
- (g) Prohibiting offensive or annoying behaviour in or upon any such car, carriage, omnibus, trolley bus or other vehicle or in or upon any part of the property of the Board.

- (h) Prohibiting smoking or spitting in any such car, carriage, omnibus, trolley bus or other vehicle or any part thereof.
- (i) The holding and disposal by sale or otherwise of unclaimed or lost goods or luggage.
- (j) The time, place and management of and the regulation of proceedings at meetings of the Board or of any committee and the management, regulation and transaction of the business of the Board or of any committee.
- (k) The powers and duties and the control, supervision and guidance and the regulation and discipline of all officers, servants and persons appointed or employed by it.
- (l) The issue, revocation and conditions of use of any free passes issued by the Board.
- (m) Generally for carrying out the purposes of this Act relating to its undertaking and the operation and conduct thereof and regulating the conduct of all persons travelling or being thereon.

26. Any By-law may impose a penalty not exceeding Twenty pounds for the breach thereof.

Penalty for breach of by-laws

27. If the breach or non-observance of any By-law is attended with any danger or annoyance to the public or hindrance to the Board or any servant of the Board in the conduct of its undertaking any servant of the Board may summarily interfere to obviate, remove or stop such danger annoyance or hindrance and that without affecting any penalty incurred by the offender.

Summary interference by servant of Board. cf. No. 58 of 1912, s. 10.

#### PART V.—FINANCE.

##### *Division (I) Funds and Distribution of Profits.*

28. All moneys whatsoever received by the Board shall be carried to a general fund which shall be applied by the Board to the doing and performing of all acts, matters and things which the Board is by this or any other Act empowered or required to do or perform.

General Fund. cf. Vic. 3732, s. 22.

Renewals  
Reserve Fund.

29. The Board shall in respect of its undertaking establish:—

(a) A renewals reserve fund which shall be applicable only to meet expenses incurred on renewals, reconstructions or conversions and

General Re-  
serve Fund.

(b) a general reserve fund which shall be applicable to all or any of the following purposes, namely—

(i) to meet a part or the whole of any deficit;

(ii) to meet a part or the whole of any moneys expended by the Board on alterations or extensions of the undertaking or any part thereof and the interest paid or payable by the Board in respect of such moneys during the period of the carrying out of the works for which such moneys were expended;

(iii) to meet the expenses of such special works of maintenance as it thinks fit;

(iv) to provide for the repayment of the amounts of principal and interest of any loans raised by the Board.

Allocations  
to reserve  
funds.

30. The Board may in every year carry to each of the said reserve funds such sum as it thinks fit.

Distribution  
of profits.  
cf. Fremantle  
Private Act,  
1903, s. 21.

31. The net profits derived from the working of the undertaking in every year, after deduction of any contributions to the said reserve funds which shall include interest and sinking fund on all loans from time to time outstanding and allowances for depreciation for that or any previous year considered proper by the Board shall be paid to and belong to the Local Authorities in equal shares and the portion so paid to a Local Authority shall form part of the ordinary income of the said Local Authority.

*Division (II) Loans.*

32. In addition to the power to obtain advances by overdraft conferred by subsection (j) of section twenty-four of this Act the Board may from time to time with the consent of the Governor borrow and reborrow at interest such sums of money as it thinks requisite for its undertaking and the operation and conduct thereof or to liquidate the principal moneys owing on account of any other loan.

Borrowing powers and limitation of cf. Vic. 3732 s. 28.

33. All moneys borrowed by the Board by way of advance by overdraft as aforesaid may and all other moneys borrowed by the Board shall be secured by the issue of Debentures and such Debentures shall bear on the face of them a statement that the same are issued in pursuance of the powers conferred by this Act.

Debentures. cf. Municipalities Act, 1906-1941, s. 443.

34. Debentures issued by the Board shall be in the form in the Third Schedule hereto and shall be numbered in consecutive numbers beginning at the number 1 and shall have annexed for every payment of interest which becomes payable after the day on which such Debenture is issued a coupon bearing the same number as the Debenture.

Form of debentures. Third Schedule.

35. (a) Every Debenture issued shall entitle the bearer thereof to receive payment of the principal sum named therein on presenting such Debenture on or after the day on which such Debenture becomes payable at the place at which such Debenture is payable.

Payment of Principal and interest secured.

(b) Coupons annexed to Debentures issued may be separated from the Debentures to which they belong and every such coupon shall entitle the person presenting the same on or after the day on which the interest mentioned in such coupon is payable at the place at which such interest is payable to receive payment of such interest.

36. Every Debenture and every such coupon whether separated or not from the Debenture to which it belongs shall pass by delivery only without any assignment or endorsement.

Debenture and coupons pass by delivery.

Repayment  
of principal  
moneys.

37. The principal moneys secured by every Debenture issued shall be made payable on some day not more than ten years after the date of issue of such Debenture.

Purchase of  
own debentures  
by  
Board.  
cf. Fremantle  
Private Act,  
1903, s. 13.

38. (a) The Board may purchase any Debentures issued by it and the ordinary revenue of the Board shall be applicable to such purpose.

(b) Upon such purchase the Debentures and all coupons belonging thereto shall be forthwith cancelled by the Board.

Investment  
of moneys  
in General  
Reserve Fund  
in purchase  
of debentures.

39. Any moneys held in the general reserve fund established by the Board may be invested in the purchase of any Debentures issued by the Board.

Appointment  
and powers  
of official  
liquidator or  
liquidators.

40. In the event of default being made in payment of any principal money or interest secured by any Debenture the holder of any Debenture in respect of which default shall have been so made may apply to the Supreme Court by petition on behalf of himself and any other holder of Debentures in respect of which the like default has been made for the appointment of an official liquidator or official liquidators of the undertaking. The Supreme Court may on such petition appoint some person or persons not exceeding three to be official liquidator or official liquidators who when so appointed shall be entitled to take possession of the undertaking and subject to any order or direction which may be made by the Supreme Court he or they shall have all the rights, duties, powers and authorities conferred by law upon an official liquidator appointed in the winding up of a limited company including a power of sale and the right to carry on the undertaking as a going concern pending realisation thereof, and upon realisation any balance remaining after satisfaction of the Board's liabilities shall be distributed by the official liquidator or official liquidators to the local authorities in equal shares.

#### PART VI.—ACCOUNTS AND AUDIT.

Accounts of  
Board.  
cf. Fremantle  
Private Act,  
1903, s. 42

41. The Board shall cause true accounts to be kept of the money received by it and expended by it in connection with its undertaking and the conduct and opera-



tion thereof and of the several matters in respect of which such expenditure is incurred, and of the assets and liabilities of the undertaking.

42. In the month of December in every year the accounts of the Board shall be examined, and the correctness of the statement of such accounts and of the balance-sheet made up to the thirtieth day of November preceding shall be ascertained by an auditor or auditors who shall be appointed by the Board annually at its first meeting in the month of December when the Board shall also fix his or their fees. The auditor or auditors so appointed shall be members of some recognised institute or society of accountants in Australasia. The first auditor or auditors shall be appointed at the first meeting of the Board after its constitution.

Audit.

43. The auditor or auditors shall at all reasonable times have access to the books and accounts and all records of the Board and he or they may, in relation thereto examine the members of the Board or the officers in its employment.

Access to books, accounts and records of Board.

44. A copy of the statement of accounts and balance sheet together with a copy of the Report and Certificate of the auditor or auditors in relation thereto shall on or before the last day of January in every year be furnished to each of the Local Authorities.

Copy of account and other documents to be supplied to local authorities.

#### PART VII.—LEGAL PROCEEDINGS AGAINST THE BOARD.

45. (a) The Board shall take all proper precautions to secure the safety of its passengers and of all persons passing along or across any streets or roads upon any routes used in its undertaking during and arising from such user.

Board's duty to take precautions. cf. 49 Victoriae No. 23, s. 43.

(b) The Board shall be answerable for all accidents, damages and injuries happening through its act or default or through the act or default of any person in its employment arising out of such employment and shall

save harmless all local authorities, corporations and bodies collectively and individually and their officers and servants from all damages claims and costs in respect of such accidents, damages and injuries.

Limitation  
of actions  
against the  
Board.

46. (a) No action shall be maintainable against the Board for any cause unless the action is commenced within twelve months after its cause shall have been ascertained.

(b) No such action shall be commenced until one month after a notice in writing is given to the Board stating the cause of action and the name and address of the party about to sue and particulars of the damage or other relief claimed and, where the cause of action arises wholly or partly from an accident, the nature of the accident and the time and place of its occurrence.

Medical  
examination  
of persons  
injured.  
cf. No. 58 of  
1912, s. 14.

47. No action shall lie or be brought or continued against the Board in respect of any injury to the person unless the person injured submits himself to examination at all reasonable times as the Board may from time to time require by a medical practitioner or medical practitioners nominated and paid by the Board.

#### PART VIII.—MISCELLANEOUS.

Free passes.  
cf. Fremantle  
Private Act,  
s. 27.

48. (1) The Board shall have the right to grant free passes for use in any of the vehicles of its undertaking—

- (a) to any number of persons but so that not more than ten free passes to such persons shall be current at any one time;
- (b) to any of the following:—
  - (i) the Chairman and members of the Board;
  - (ii) any person employed by the Board;
  - (iii) any member of the Police Force;
  - (iv) any person totally or substantially blind;
  - (v) any person incapacitated or disabled by reason of war service.

(2) All free passes may be revoked at any time at the discretion of the Board and shall in any case expire on the thirtieth day of November next following the granting thereof and except in the case of passes issued to the persons mentioned in subsection (1) (b) (i), (ii) and (iii) of this section the Board shall cause the reasons for the granting of any free pass to be set forth in the Minute Book of the proceedings of the Board.

49. Sections eighteen to twenty-six both inclusive, thirty, thirty-three, thirty-seven to forty-two both inclusive, forty-four to forty-nine both inclusive, subsection one of section fifty-two and section fifty-three of The Tramways Act, 1885, shall apply mutatis mutandis to the Board and its undertaking as if the Board were a "Promoter" within the meaning of that Act. Save as aforesaid the provisions of that Act shall not apply to the Board or its undertaking.

Incorporation  
of certain  
provisions of  
Tramways  
Act, 1885.

50. The provisions of section three hundred and eighty-five of the Municipal Corporations Act, 1906-1945, and the provisions of section two hundred and twenty-seven of the Road Districts Act, 1919-1943, shall not apply to the Board and its undertaking which shall not be liable to be rated.

Exclusion  
of Sec. 385 of  
Municipal  
Corporations  
Act

#### FIRST SCHEDULE.

(Section 5.)

Kalgoorlie Tramways Act, 1900.  
Kalgoorlie Road Board District Tramways Act, 1900.  
Kalgoorlie Tramways Act, 1900, Amendment Act, 1902.  
Boulder Tramways Act, 1904.

#### SECOND SCHEDULE.

(Section 5.)

Agreement made the 18th October, 1899, between the Council and Burgesses of the Town of Kalgoorlie and Ernest Edward Rogers.

Agreement made the 20th June, 1900, between the Roads Board of the Kalgoorlie District and Charles Preston Dickenson.

Agreement made the 15th August, 1903, between the Mayor and Councillors of the Municipality of Boulder and the Kalgoorlie Electric Tramways Limited.

An Indenture dated the 22nd May, 1902, and made between Ernest Edward Rogers and the West Australian Goldfields Limited of the first part, the Council and Burgesses of the Town of Kalgoorlie and the Roads Board of the Kalgoorlie District of the second part, and the Kalgoorlie Electric Tramways Limited of the third part.

**THIRD SCHEDULE.**

(Section 34.)

**THE EASTERN GOLDFIELDS TRANSPORT BOARD.**

No..... Debenture £.....

Issued by the Eastern Goldfields Transport Board under the provisions of the Eastern Goldfields Transport Board Act, 1946.

Transferable by delivery.

This Debenture was issued by the abovenamed Board on the..... day of..... and is to secure to the bearer a principal sum of £..... payable at..... on the..... day of..... in the year..... Interest at the rate of..... pounds per centum per annum on such principal sum in the meanwhile is payable by equal half-yearly payments on the.... day of..... and the..... day of..... in each year and a coupon is annexed for each payment which entitles the bearer of such coupon thereto.

Such principal sum and interest are payable at..... and are charged in accordance with the provisions of the abovenamed Act upon the undertaking of the abovenamed Board and are not otherwise secured.

Dated this..... day of..... 194.....