

WESTERN AUSTRALIA

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# GOVERNMENT RAILWAYS AMENDMENT ACT

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No. 87 of 1990

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AN ACT to amend the *Government Railways Act 1904* and for connected purposes.

[Assented to 17 December 1990.]

The Parliament of Western Australia enacts as follows:

## Short title

1. This Act may be cited as the *Government Railways Amendment Act 1990*.

## Commencement

2. This Act shall come into operation on such day as is fixed by proclamation.

**Principal Act**

3. In this Act the *Government Railways Act 1904\** is referred to as the principal Act.

[\*Reprinted as approved 27 October 1982 and amended by Acts Nos. 54 and 98 of 1985 and 16 and 113 of 1987.]

**Section 2 amended**

4. Section 2 of the principal Act is amended by—

- (a) deleting the full stop at the end of the definition of “Road” and substituting a semi-colon; and
- (b) inserting after the definition of “Road” the following definition—

“ “the Account” means the Western Australian Government Railways General Fund Account referred to in section 54 (2). ”.

**Section 23 amended**

5. (1) Section 23 of the principal Act is amended—

- (a) in subsection (1) (11) by inserting before “keeping accounts” the following—

“ subject to section 55, ”; and

- (b) in subsection (1) (23c) by deleting “placed into the Miscellaneous Revenue Account of the Commission” and substituting the following—

“ paid into and placed to the credit of the Account ”.

(2) Any moneys which were, immediately before the commencement of this section, standing to the credit of the Miscellaneous Revenue Account referred to in section 23 (1) (23c) of the principal Act shall be paid into and placed to the credit of the Account within the meaning of the principal Act as amended by this Act.

**Section 24 amended**

6. (1) Section 24 of the principal Act is amended in subsection (7) by deleting “an account to be called “The Railway Servants’ Benefit Fund,” and may be issued and paid in such manner as the Governor directs to or for the benefit of any persons employed on railways” and substituting the following—

“ and placed to the credit of the Account ”.

(2) Any moneys which were, immediately before the commencement of this section, standing to the credit of the The Railway Servants’ Benefit Fund referred to in section 24 (7) of the principal Act shall be paid into and placed to the credit of the Account within the meaning of the principal Act as amended by this Act.

**Section 33 amended**

7. (1) Section 33 of the principal Act is amended by deleting “to the credit of the account for claims and compensation” and substituting the following—

“ into and placed to the credit of the Account ”.

(2) Any moneys which were, immediately before the commencement of this section, standing to the credit of the account for claims and compensation referred to in section 33 of the principal Act shall be paid into and placed to the credit of the Account within the meaning of the principal Act as amended by this Act.

**Sections 53A and 54A repealed and section 54 substituted**

8. (1) Sections 53A and 54A of the principal Act are repealed and the following section is substituted—

**Funds of Commission**

“ 54. (1) The funds available for the purpose of enabling the Commission to carry out its functions consist of moneys—

(a) appropriated from time to time by Parliament to that purpose;

- (b) derived from time to time as income by the Commission from business carried on by it under this Act; or
- (c) from time to time borrowed under this Part by, or otherwise lawfully paid to or received by, the Commission.

(2) The moneys referred to in subsection (1) shall be paid into and placed to the credit of an account at the Treasury to be called the Western Australian Government Railways General Fund Account.

(3) All expenditure incurred by the Commission for the purpose of its functions shall be paid from the Account and moneys charged to the Account shall be applied only for the purposes of this Act.

(4) Notwithstanding anything in subsection (3), the Commission may, with the approval of the Governor, pay to or for the benefit of any persons employed on railways the whole or any part of any moneys paid into and placed to the credit of the Account under—

- (a) section 6 (2) of the *Government Railways Amendment Act 1990*; or
- (b) section 24 (7).

(5) Notwithstanding anything in this section, the Commission may, with the approval of the Treasurer and subject to such terms and conditions as the Treasurer approves, open and maintain one or more bank accounts in the name of the Commission with a bank or banks outside Australia for the purpose of holding and applying moneys borrowed under this Part outside Australia.

(6) All moneys held in a bank account maintained under subsection (5) may, until required by the Commission for carrying out its functions, be temporarily invested in such manner as the Treasurer directs, and all interest derived from that investment shall be paid into and placed to the credit of that bank account.

(7) Nothing in this section shall be taken to allow the application of moneys for purposes other than those authorized by this Act. ”.

(2) Any moneys which were immediately before the commencement of this section standing to the credit of the Western Australian Government Railways Commission Loans Account established under section 54A of the principal Act shall be paid into and placed to the credit of the Account within the meaning of the principal Act as amended by this Act.

### **Section 54D amended**

9. Section 54D of the principal Act is amended by inserting after subsection (3) the following subsections—

“ (4) The Treasurer shall, as soon as practicable after a guarantee is given under this section, inform in writing the Clerk of each House of Parliament of the giving of that guarantee and shall, if requested by either House of Parliament to produce that guarantee for the information of that House, within a period of 60 days after the making of that request—

- (a) cause to be laid a certified copy of the document setting out that guarantee before that House; or
- (b) if that House is not sitting at the relevant time within that period, cause to be delivered a certified copy of the document referred to in paragraph (a) to the Clerk of that House.

(5) In subsection (4), a reference to a certified copy of a document is a reference to a copy certified by the Treasurer to be a true copy of the original of the document. ”.

### **Section 54E amended**

10. Section 54E of the principal Act is amended in subsection (1) by deleting “Commission” where it first occurs and substituting the following—

“ Account”.

**Section 54EA inserted**

11. Part IV of the principal Act is amended by inserting after section 54E the following section—

**Payment of profit to Treasurer**

“ 54EA. (1) The Treasurer may, after the end of any financial year, require the Commission to pay to him for payment into the Consolidated Revenue Fund such percentage of the net profit as he determines is appropriate and the Commission shall forthwith make that payment.

(2) For the purposes of subsection (1)—

- (a) “net profit” means the net profit of the Commission as certified to by the Auditor General; and
- (b) in the determination of net profit as defined by paragraph (a), full allowance shall be made for interest and depreciation of the assets of the Commission. ”.

**Section 54J amended**

12. Section 54J of the principal Act is amended by deleting—

- (a) “referred to in section 54A of this Act”; and
- (b) “that account” and substituting the following—  
“ the Account ”.

**Section 59 amended**

13. Section 59 of the principal Act is amended by inserting before—

- (a) “The Commission” the following—  
“ (1) ”;

(b) "Such account" the following—

" (2) "; and

(c) "All such accounts" the following—

" (3) ".

### Sections 60 and 61 repealed

14. Sections 60 and 61 of the principal Act are repealed.

### Closure of certain accounts of Trust Fund

15. Notwithstanding anything in section 15 of the *Financial Administration and Audit Act 1985*, the accounts—

(a) forming part of the Trust Fund within the meaning of that Act;

and

(b) respectively known as—

(i) the Railways Accident and Fire Insurance Fund;

(ii) the Railways Assets Purchase Fund;

(iii) the Railways Provision for Depreciation of Stores; and

(iv) the Railways Provision for Long Service Leave and Other Leave,

are hereby closed and the balance of moneys standing to the credit of each of those accounts shall be applied first in payment of any debts outstanding in respect of that account and any balance remaining after any such application shall be paid into and placed to the credit of the Account within the meaning of the principal Act as amended by this Act.