

GOVERNMENT RAILWAYS.

7° Elizabeth II., No. XVII.

No. 17 of 1958.

**AN ACT to amend the Government Railways Act,
1904-1957.**

[Assented to 6th October, 1958.]

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, 1958*.

(2) In this Act the Government Railways Act, 1904-1957, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Government Railways Act, 1904-1958.

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

3. Section eight of the principal Act is amended— s. 8
amended.

(a) by adding after subsection (3) the following subsection—

(3a) The Governor may appoint a fit and proper person to be Commissioner, and may, without prejudice to the exercise of any power conferred by subsection (10) of this section, on the happening of any vacancy in the office, appoint a fit and proper person to the vacant office. ; Power for
Governor to
appoint
Commis-
sioner.
Cf. Common-
wealth
Railways
Act, s. 6.

(b) by adding after the word, “resigns” in line one of subparagraph (iv) of paragraph (a) of subsection (8), the passage, “, subject to acceptance of such resignation by the Governor”;

(c) by substituting for subparagraph (v) of paragraph (a) of subsection (8), the following subparagraph—

(v) except with the consent in writing of the Minister, in any wise participates or claims to be entitled to participate in any profit, commission, benefit, or emolument, arising directly or indirectly from any contract or agreement made by or on behalf of the Government, whether the profit, commission, benefit, or emolument, is that of, or derived by, a party to the contract or any other person;

and

(d) by substituting for subsection (9) the following subsection—

(9) (a) A person who is appointed Commissioner shall hold office, subject to subsection (8) of this section, for the term for which he is appointed. Tenure
of office of
Commis-
sioner.
Cf. No. 37 of
1957, s. 3 (e),
and Com-
monwealth
Railways
Act, ss. 8
and 9.

(b) A person shall not be appointed Commissioner for a term exceeding seven years.

(c) The Commissioner may from time to time be reappointed for any further term or terms not exceeding seven years for each term.

S. 10
amended.

4. Section ten of the principal Act is amended—

(a) by substituting for the first paragraph in lines one to eight inclusive the following—

If without the consent in writing of the Minister the Commissioner in any wise participates or claims to be entitled to participate in any profit, commission, benefit, or emolument, arising directly or indirectly from any contract or agreement made by or on behalf of the Government, whether the profit, commission, benefit, or emolument, is that of, or derived by, a party to the contract or any other person, he shall be guilty of a misdemeanour and be liable to imprisonment for any term not exceeding three years. ; and

(b) by deleting the proviso.

S. 86
amended.

5. Section eighty-six of the principal Act is amended by substituting for paragraph (2) the following paragraph—

(2) Except with the consent in writing of the Minister, in any wise participate or claim to be entitled to participate in any profit, commission, benefit, or emolument, arising directly or indirectly from any contract or agreement made by or on behalf of the Government, whether the profit, commission, benefit, or emolument, is that of, or derived by, a party to the contract or any other person; or .