

COMMONWEALTH POWERS.

9° and 10° GEO. VI., No. LVII.

No. 57 of 1945.

AN ACT to refer a certain matter to the Parliament of the Commonwealth for a certain limited period.

[Assented to 5th February, 1946.]

WHEREAS it is enacted by the Constitution of the Commonwealth of Australia that the Parliament of the Commonwealth shall subject to the Constitution have power to make laws for the peace, order and good government of the Commonwealth with respect to matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States but so that the law shall extend only to States by whose Parliaments the matter is referred or which afterwards adopt the law; and whereas by the provisions of the Commonwealth Powers Act, 1943 (No. 4 of 1943), which was assented to on the twenty-second day of April, One thousand nine hundred and forty-three, and which by section one thereof was declared to come into operation on the First day of January, One thousand nine hundred and forty-four, the Parliament of this State referred to the Parliament of the Commonwealth the matters specified in section two of the said Act, subject to the limitations and conditions contained in the said Act and for the period specified in the said Act in order that the Parliament of the Commonwealth should have adequate powers to make laws with respect to the said matters in relation to post-war reconstruction; and whereas a certain matter, to wit Prices, was not so referred by the said Act; and whereas the Parliaments of certain States have already referred the said matter of Prices to the Parliament of the Commonwealth and at the request of the Commonwealth the Governments of other States

Preamble.

are considering whether or not the Parliaments of those States should also refer to the Parliament of the Commonwealth the matter of Prices aforesaid in order that with respect thereto the Commonwealth shall have adequate power to make laws in relation to post-war reconstruction, such reference to be subject to certain limitations and conditions and for a certain limited period; and whereas it is deemed expedient that the Parliament of this State shall refer the said matter of Prices to the Parliament of the Commonwealth subject to the limitations and conditions contained in this Act and for the period specified in and limited by this Act: 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
and com-
mencement.

1. This Act may be cited as the *Commonwealth Powers Act, 1945*, and shall come into operation on the first day of January, one thousand nine hundred and forty-six.

This Act to be
supplementary
to the Com-
monwealth
Powers Act,
1943.

2. This Act shall be, and shall be construed as being, supplementary to the Commonwealth Powers Act, 1943 (No. 4 of 1943).

Reference of
matter to
Parliament
of Com-
monwealth.

3. (1) Subject to the limitations and conditions in this Act contained, the matter of Prices (other than prices or rates charged by the State or semi-governmental or local governing bodies for goods or services), is hereby referred to the Parliament of the Commonwealth.

(2) For the purposes of this section the term "semi-governmental or local governing bodies" shall include and shall be deemed to include all road passenger transport operators whose omnibuses are operated under licenses granted by the Western Australian Transport Board.

Provision
relating to
repeal or
amendment.

4. (1) This Act shall not be repealed or amended except in the manner as hereinafter provided.

(2) A Bill for An Act to repeal or amend this Act shall not be presented to the Governor for His Majesty's assent unless the second and third readings of such Bill

shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively.

5. (1) This Act shall not be construed as referring the said matter permanently to the Parliament of the Commonwealth.

Saving provisions, limitations and conditions.

(2) The matter referred by section three of this Act shall be construed as a matter limited in time to the period mentioned in section six of this Act to the intent that section three of this Act shall be construed as referring the said matter so limited and not otherwise.

(3) Section six of this Act shall not be construed as severable from section three of this Act.

(4) If section six of this Act or any provision of that section is beyond the power of the Parliament of this State or is inoperative or ineffective then section three of this Act shall be void.

(5) Insofar as the provisions of section six of this Act are inconsistent with any provision of section sixteen of the Interpretation Act, 1918, section six of this Act shall prevail and take effect and section sixteen of the Interpretation Act, 1918, shall not apply.

6. Subject in all respects to the earlier repeal of this Act and to any amendments thereof, this Act and the reference of the matter of Prices made by this Act shall continue in force until the thirty-first day of December, one thousand nine hundred and forty-seven, and no longer, and the reference made by this Act as aforesaid is subject to the limitation that no law made by the Parliament of the Commonwealth with respect to the matter of Prices referred to it by this Act shall continue to have any force or effect by virtue of this Act or the said reference made by this Act after the expiration of that period.

Duration of this Act