

MAIN ROADS.

No. 38 of 1984.

AN ACT to amend the Main Roads Act 1930-1982.

[Assented to 20 June 1984.]

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:—

1. (1) This Act may be cited as the *Main Roads Amendment Act 1984*. Short title and citation.

(2) In this Act the Main Roads Act 1930-1982 is referred to as the principal Act. Reprinted as approved 16 December 1976 and amended by Acts Nos. 54 of 1977, 9 of 1979, 21 of 1980, 106 of 1981 and 25 of 1982.

(3) The principal Act as amended by this Act may be cited as the Main Roads Act 1930-1984.

Commence-
ment.

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

Section 10
amended and
transitional
provision.

3. (1) Section 10 of the principal Act is amended—

(a) by repealing subsections (1), (1a) and (1b) and substituting the following subsections—

“ (1) The Minister may on the recommendation of the Commissioner, for the purposes of this Act, appoint persons to be officers of the Commissioner.

(2) The Commissioner may—

(a) employ such employees as are required for works of construction or maintenance;

(b) in accordance with the regulations, employ persons as cadets;

(c) employ and remunerate students; and

(d) with the approval of the Minister, make use of the services of any officer or employee employed in the Public Service of the State. ”;

and

(b) in subsection (3) by inserting after “officer” the following—

“ , employee ”.

(2) Where at the date of coming into operation of this Act a person is purportedly in the employ of the Commissioner but he has not been appointed by the Governor pursuant to section 10 (1) of the principal Act as in force immediately before the coming into operation of this Act, the Minister may appoint that person under section 10 (1) of the

principal Act and that appointment may be retrospective to such date, not being earlier than the date of commencement of his purported employment, as is specified in the instrument of his appointment.

4. After section 10 of the principal Act the following section is inserted—

Section 10A
inserted.

“ 10A. (1) The Minister may, either generally or as provided by the instrument of delegation, by writing signed by him, delegate to the Commissioner his power of appointment under section 10 (1) of this Act.

Delegation of
power of
appointment
to Commis-
sioner.

(2) For the purposes of this Act, the exercise of a power of appointment under section 10 (1) of this Act by the Commissioner under this section shall be deemed to be the exercise of that power by the Minister.

(3) A delegation under this section may—

(a) be made subject to such conditions, qualifications and exceptions as are set out in the instrument of delegation;

(b) be revoked or varied by instrument in writing signed by the Minister.

(4) The Minister may exercise the power of appointment under section 10 (1) of this Act notwithstanding that he has delegated its exercise or performance under this section. ”.

5. Where before the coming into operation of this Act a person was appointed by the Governor under section 10 (1) of the principal Act as in force immediately before the coming into operation of this Act and the appointment purported to be made with retrospective effect, the appointment shall not be invalid by reason only that it purported to be so made and shall have effect from the day specified in the instrument of appointment.

Validation of
appoint-
ments.