



ANNO PRIMO

ELIZABETHAE II REGINAE

A.D. 1952

No. 16 of 1952.

An Act to amend The Municipal Tramways Trust Act, 1935-1949, and for other purposes.

[Assented to 23rd October, 1952.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Municipal Tramways Trust Act Amendment Act, 1952". Short titles.
 (2) The Municipal Tramways Trust Act, 1935-1949, as amended by this Act, may be cited as the "Municipal Tramways Trust Act, 1935-1952".
 (3) The Municipal Tramways Trust Act, 1935-1949, is hereinafter referred to as "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. The sections of this Act, other than sections 6 and 7, shall come into operation on the day on which this Act is assented to by the Governor. Sections 6 and 7 shall come into operation on the proclaimed day as defined in section 8 of the principal Act. Commencement of Act.
4. Section 5 of the principal Act is amended by striking out the definition of "Trust" and inserting in its place the following definition :— Amendment of s. 5 of principal Act— Interpretation.

“Trust” means the Municipal Tramways Trust as constituted for the time being under this Act.

Repeal of ss.
8-15 and
enactment of
other
provisions—
Reconstitution
of Trust.

5. Sections 8 to 15 (inclusive) of the principal Act are repealed and the following sections are enacted in lieu thereof:—

8. (1) The Governor may by proclamation fix a day on and after which the Trust shall be reconstituted as provided in this Act.

(2) The day fixed by proclamation under subsection (1) of this section is in this section and sections 9 and 10 of this Act called “the proclaimed day”.

(3) Until the proclaimed day the members of the Trust in office immediately before the day on which the Municipal Tramways Trust Act Amendment Act, 1952, is assented to shall continue to constitute the Trust, as if the said Act had not been passed; but the Governor may temporarily fill any vacancy occurring in the membership of the Trust between the passing of the said Act and the proclaimed day.

Members of
Trust.

9. On and after the proclaimed day the Trust shall, subject to this Act, consist of five members appointed by the Governor.

Term of office.

10. (1) Except as hereinafter provided each member of the Trust shall hold office for five years: Provided that at the end of each of the first five years after the proclaimed day one member of the Trust shall retire.

(2) The member to retire in each of the said first five years shall be determined by the Governor.

(3) A member appointed to fill a casual vacancy shall hold office only for the remainder of the term of the member in whose place he was appointed.

Amendment of
s. 21 of
principal Act—
Quorum.

6. Section 21 of the principal Act is amended by striking out the word “five” in the first line and inserting in lieu thereof the word “three”.

Amendment of
s. 23 of
principal Act—
Payment of
members.

7. Section 23 of the principal Act is amended by striking out subsections (1) and (2) and inserting in lieu thereof the following subsection:—

(1) Each member of the Trust shall be paid out of the funds of the Trust, remuneration for his services at such rate as is approved by the Governor.

The chairman's rate of remuneration may differ from that of the other members.

8. Section 26 of the principal Act is amended as follows :—

Amendment of
s. 26 of
principal Act
Accounts.

(a) Paragraph (f) thereof is struck out and the following paragraph inserted in lieu thereof :—

(f) shall, within four months after the thirtieth day of June in every year present to the Minister and publish in the *Gazette* a revenue account covering its operations for the previous financial year and a balance-sheet showing its assets and liabilities as at the preceding thirtieth day of June. Every revenue account and balance-sheet shall be signed as correct by all the members of the Trust. The Minister shall cause such revenue account and balance-sheet to be laid before both Houses of Parliament as soon as practicable after the receipt thereof: Provided that this paragraph shall not apply in respect of the financial year ending on the thirtieth day of June, nineteen hundred and fifty-two, and the revenue account presented to the Minister under this paragraph in the year nineteen hundred and fifty-three shall cover the operations of the Trust for the period of seventeen months preceding the thirtieth day of June, nineteen hundred and fifty-three.

(b) Paragraph (h) is struck out.

9. The following sections are enacted and inserted in the principal Act after section 26 thereof :—

Enactment of
ss. 26a and 26b
of principal
Act—

26a. (1) The accounts of the Trust shall be audited by the Auditor-General. Audit.

(2) The Trust and every officer thereof shall make the books and accounts of the Trust available to the Auditor-General and his officers for the purpose of audit and shall furnish the Auditor-General and his officers with all other facilities and information which he or they reasonably require for the purpose of the audit.

(3) The Auditor-General shall report annually to the Minister of Works on the financial position and accounts of the Trust.

**Annual report
by Trust.**

26b. The Trust shall within four months after the end of each financial year prepare and present to the Minister of Works a report on its operations during that financial year, and the Minister shall cause that report to be laid before both Houses of Parliament as soon as practicable after the receipt thereof.

**Amendment of
s. 30 of
principal Act—
Right of Trust
to operate and
license
omnibuses.**

10. Section 30 of the principal Act is amended—

- (a) by striking out the words “one shilling” in the fifth line and inserting in lieu thereof “two shillings”;
- (b) by striking out the word “three” in the seventh line and inserting in lieu thereof the word “five”;

**Amendment of
s. 32 of
principal Act—
Routes and
fares for
Trust
omnibuses.**

11. Section 32 of the principal Act is amended—

- (a) by striking out the words “one shilling” in the fourth line and inserting in lieu thereof the words “two shillings”;
- (b) by striking out the word “three” in the sixth line and inserting in lieu thereof the word “five”.

**Enactment of
s. 43a of
principal Act—
Grants to
Trust.**

12. The following section is enacted and inserted in the principal Act after section 43 thereof:—

43a. The Treasurer may from time to time, out of money voted by Parliament for the purpose, make grants to the Trust to enable it to meet the expenses incurred by it in the exercise of its functions under this Act.

**Amendment of
s. 94 of
principal Act—
Unlicensed
motor
omnibuses.**

13. Section 94 of the principal Act is amended—

- (a) by striking out the words “one shilling” in the fourth line of the proviso to subsection (1) and inserting in lieu thereof the words “two shillings”;
- (b) by striking out the word “three” in the fifth line of the said proviso and inserting in lieu thereof the word “five”;

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Lieutenant-Governor.