



ANNO DECIMO NONO

GEORGII V REGIS.

A.D. 1928.

No. 1888.

An Act to amend The Municipal Tramways Trust Act, 1906, to repeal the Motor Omnibus Acts, 1926 and 1927, and for other purposes.

[Assented to, November 7th, 1928.]

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 alone as the "Municipal Tramways Trust Act Amendment Act, 1928". Short titles.

(2) The Municipal Tramways Trust Acts, 1906 to 1927, and this Act may be cited together as the "Municipal Tramways Trust Acts, 1906 to 1928".

(3) The Municipal Tramways Trust Act, 1906, is hereinafter referred to as the "principal Act".

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

3. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation.

4. Section 3 of the principal Act is amended by inserting therein before the definition of "Commissioner" the following definition :—
"Carriage" includes any motor omnibus owned by the Trust. Amendment of principal Act, s. 3—
Definition of "Carriage".

Municipal Tramways Trust Act Amendment Act.—1928.

Amendment of
principal Act, s. 53.

5. Section 53 of the principal Act is amended by striking out in paragraph (13) thereof the words "For the purpose of stimulating or developing the traffic of any tram system".

New sections 53A
and 53B.

6. Part VIII. of the principal Act is amended by inserting therein after section 53 the following sections :—

Right of Trust to
operate motor
omnibuses.

53A. (1) In this section and the next succeeding section "motor omnibus" means any motor vehicle within the meaning of that term as defined in the Motor Vehicles Act, 1921, which plies for hire for the purpose of carrying passengers at separate and distinct fares for each passenger, and not in consideration of a lump sum paid for the use of the vehicle.

"Prescribed area" means the Municipalities of the Corporations and the Districts of the District Councils and any additional area proclaimed by the Governor under this section.

(2) The Governor may, by proclamation, add any area to the prescribed area as existing for the time being and may revoke or vary any proclamation made under this section.

(3) The Trust shall have the exclusive right—

(a) to carry passengers by motor omnibus for hire or reward on any route wholly or partially within the prescribed area at separate and individual fares for each passenger of not more than One Shilling and Six Pence for a single journey, or Three Shillings for a return journey :

(b) to grant to any person a licence to carry passengers by motor omnibus for hire or reward on any such route as aforesaid, and at the fares or payment aforesaid.

(4) Any licence granted under this section may be granted upon such terms as to duration of the licence, the routes to be followed, the timetables to be observed, and the fares or rates to be charged, as the Trust may think proper. The said terms and any other conditions which the Trust considers necessary shall be set out in the licence.

(5) The Trust shall have full power to fix the routes to be followed by any motor omnibus of the Trust and the fares to be paid by passengers travelling on any motor omnibus of the Trust, but so that such fares shall not exceed One Shilling and Six Pence for each passenger for a single journey, or Three Shillings for each passenger for a return journey.

(6) Before the Trust operates any motor omnibus or licenses any motor omnibus to operate on any road on which the Trust did not operate motor omnibuses on the ninth day of October, 1928, the Trust shall satisfy itself that the said road is sufficiently strong to bear motor omnibuses thereon without unreasonable damage thereto, and shall for that purpose confer with the Council of every Municipality and District in which the

Municipal Tramways Trust Act Amendment Act.—1928.

the said road is situated ; and if any Council objects that any road is not sufficiently strong to bear motor omnibuses without unreasonable damage that objection shall, if the Trust so requires, be referred to the Highways Commissioner who shall decide the same and whose decision thereon shall be final. In this subsection "road" includes road, street, or part of a road or street.

(7) Section 73 of this Act shall not apply to any licence granted by the Trust under this section.

(8) The provisions of paragraphs LXXII. and LXXIII. of subsection (1) of section 504 of the Municipal Corporations Act, 1923, and of paragraphs XLIII. and XLIV. of subsection (1) of section 376 of the District Councils Act, 1914, shall not apply to any motor omnibus owned or licensed by the Trust.

53B. (1) No person shall within the prescribed area drive any motor omnibus or any motor vehicle drawing a motor omnibus, nor employ any person to drive any motor omnibus or any such motor vehicle as aforesaid for the purpose of carrying passengers for hire or reward— Penalty.

(a) unless a licence under section 53A has been obtained for that motor omnibus and that licence is for the time being in force :

(b) on any route not mentioned in such a licence nor otherwise than in accordance with the terms and conditions of such a licence.

Penalty—For a first offence, not exceeding One Hundred Pounds :

For any subsequent offence, not exceeding Two Hundred Pounds :

Provided that it shall be defence to any charge for an offence against this subsection if the defendant shows that every passenger on the motor omnibus at the material time paid a separate fare of more than One Shilling and Six Pence for a single journey, or more than Three Shillings for a return journey.

(2) In any proceedings for an offence against this section the allegation in the complaint—

(a) that a vehicle is a motor omnibus :

(b) that the place at which it is alleged that an offence was committed is within the prescribed area :

(c) that a motor omnibus is not licensed under section 53A :

(d) that any person is the employer of the driver of a motor omnibus in respect of which an offence is alleged to have been committed,

shall be deemed proved in the absence of proof to the contrary.

7. (1) The

Municipal Tramways Trust Act Amendment Act.—1928.

Repeal of Motor
Omnibus Acts, 1926
and 1927.

7. (1) The Motor Omnibus Acts, 1926 and 1927, are repealed.

(2) The Treasurer may give any directions which he considers necessary for winding-up the affairs of the Motor Omnibus Board established by the Motor Omnibus Act, 1926, including the disposal of any moneys standing to the credit of the said Board or of the Metropolitan Roads Fund established by the said Act, and the refund of a proportionate part of the licence fee paid by the holder of any licence under the said Act unexpired at the commencement of this Act. Any directions so given shall be valid and binding on all persons thereby affected.

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

G. J. R. MURRAY, Deputy Governor.