

South Australia



**PASSENGER TRANSPORT (SERVICE CONTRACTS) AMENDMENT  
ACT 1998**

**No. 75 of 1998**

**SUMMARY OF PROVISIONS**

1. Short title
2. Amendment of s. 39—Service contracts



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**ELIZABETHAE II REGINAE**

**A.D. 1998**

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**No. 75 of 1998**

**An Act to amend the Passenger Transport Act 1994.**

*[Assented to 17 December 1998]*

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Passenger Transport (Service Contracts) Amendment Act 1998*.

(2) The *Passenger Transport Act 1994* is referred to in this Act as "the principal Act".

**Amendment of s. 39—Service contracts**

2. Section 39 of the principal Act is amended by striking out subsection (3) and substituting the following subsections:

(3) The Board, in awarding service contracts under this Part—

- (a) in any case involving a contract or contracts for the provision of regular passenger services as part of the operation of the public transport system within Metropolitan Adelaide—must take into account the following principles (and may take into account other principles):
- (i) service contracts should not be awarded so as to allow a single operator to obtain a monopoly, or a market share that is close to a monopoly, in the provision of regular passenger services within Metropolitan Adelaide;
  - (ii) sustainable competition in the provision of regular passenger services should be developed and maintained;
  - (iii) the integration of passenger transport services should be encouraged and enhanced;

(iv) service contracts should support the efficient operation of passenger transport services and promote innovation in the provision of services to meet the needs of customers;

(b) in any other case—may take into account principles determined by the Board and made known to interested persons.

(3a) Subsection (3) is an expression of policy and does not give rise to rights or liabilities (whether of a substantive, procedural or other nature).

(3b) The Board must, within 14 days after awarding a service contract to which subsection (3) (a) applies, forward to the Minister a report which—

(a) sets out the full name of the person to whom the contract has been awarded; and

(b) provides information on the term of the contract; and

(c) identifies the region or routes of operation under the contract; and

(d) provides information on the amount or amounts that will be payable by the Board under the contract; and

(e) provides information on how the principles under subsection (3) (a) have been applied in the circumstances of the particular case; and

(f) contains such other information as may be required by the regulations or as the Board thinks fit.

(3c) The Board is not required to disclose in a report under subsection (3b)—

(a) specific amounts payable under a contract; or

(b) other information of a commercial value the disclosure of which would diminish its value or unfairly advantage a person or persons in future dealings with the Board.

(3d) The Minister must, within six sitting days after receiving a report under subsection (3b), have copies of the report laid before both Houses of Parliament.

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

E. J. NEAL Governor