



ANNO VICESIMO TERTIO

**ELIZABETHAE II REGINAE**

A.D. 1974

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**No. 41 of 1974**

An Act to establish a State Transport Authority, to set out its powers and functions, and for other purposes.

[Assented to 11th April, 1974]

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

PART I

## PART I

## PRELIMINARY

## Short title.

1. This Act may be cited as the "State Transport Authority Act, 1974".

## Commencement.

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

## Arrangement of Act.

3. This Act is arranged as follows:—

## PART I—PRELIMINARY

## PART II—THE STATE TRANSPORT AUTHORITY

DIVISION I—ESTABLISHMENT AND CONSTITUTION OF AUTHORITY

DIVISION II—POWERS AND FUNCTIONS OF THE AUTHORITY

DIVISION III—STAFF, ETC.

## PART III—MISCELLANEOUS.

## Interpretation.

4. In this Act, unless the contrary intention appears—

"Chairman" means the Chairman of the Authority:

"member" in relation to the Authority, includes the member of the Authority appointed Chairman of the Authority and any deputy of a member while acting as such:

"prescribed body" means—

- (a) the body corporate known as the Municipal Tramways Trust continued by the Municipal Tramways Trust Act, 1935-1973;

(b) the body corporate known as The South Australian Railways Commissioner constituted by the South Australian Railways Commissioner's Act, 1936-1973;

and

(c) the body known as the Transport Control Board established under the Road and Railway Transport Act, 1930-1971;

“public transport” includes transport or other activity under the control of The South Australian Railways Commissioner but does not include any other transport primarily or predominantly encompassing the carriage of freight or stock:

“the Authority” means the State Transport Authority established by subsection (1) of section 5 of this Act.

## PART II

## PART II

### THE STATE TRANSPORT AUTHORITY

#### DIVISION I—ESTABLISHMENT AND CONSTITUTION OF AUTHORITY

#### DIVISION I

5. (1) There shall be an Authority entitled the “State Transport Authority”.

Establishment and incorporation of the State Transport Authority.

(2) The Authority—

(a) shall be a body corporate with perpetual succession and a common seal;

(b) shall be capable of suing and of being sued;

(c) shall be capable of holding, dealing with, and disposing of real and personal property;

(d) shall be capable of acquiring or incurring any other rights or liabilities;

(e) shall hold all its property for and on behalf of the Crown;

and

(f) shall have the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.

(3) Where a document purports to bear the common seal of the Authority, it shall be presumed in any legal proceedings, in the absence of proof to the contrary, that the common seal of the Authority has been duly affixed to that document.

6. (1) The Authority shall consist of seven members appointed by the Governor upon the nomination of the Minister.

Constitution of the Authority.

(2) One member of the Authority shall be appointed by the Governor to be Chairman of the Authority.

## PART II

## DIVISION I

Terms and conditions upon which members hold office.

7. (1) The Chairman shall be appointed for such term of office, not exceeding seven years and upon such conditions, as may be determined by the Governor and, upon the expiration of his term of office, shall be eligible for re-appointment.

(2) A member of the Authority, other than the Chairman, shall be appointed for such term of office, not exceeding four years, and upon such conditions as the Governor may determine and, upon the expiration of his term of office, shall be eligible for re-appointment.

(3) The Governor may appoint a suitable person to be a deputy of a member of the Authority, and such a person, while acting in the absence of that member, shall be deemed to be a member of the Authority, and shall have all the powers, authorities, duties and obligations of the member of whom he has been appointed a deputy.

(4) The Governor may remove a member of the Authority from office for—

- (a) any breach of, or non-compliance with, the conditions of his appointment;
- (b) mental or physical incapacity;
- (c) neglect of duty;
- or
- (d) dishonourable conduct.

(5) The office of a member of the Authority shall become vacant if—

- (a) he dies;
- (b) his term of office expires;
- (c) he resigns by written notice addressed to the Minister;
- or
- (d) he is removed from office by the Governor pursuant to subsection (4) of this section.

(6) Upon the office of a member of the Authority becoming vacant, a person shall be appointed, in accordance with this Act, to the vacant office, but where the office of a member of the Authority becomes vacant before the expiration of the term for which he was appointed, the person appointed in his place shall be appointed only for the balance of the term of his predecessor.

Salary, allowances and expenses.

8. The Chairman shall be entitled to receive such salary, allowances and expenses, and the other members of the Authority shall be entitled to receive such allowances and expenses as may be determined by the Governor.

Meetings, quorum, etc., of the Authority.

9. (1) The procedure for the calling of meetings of the Authority and for the conduct of business at such meetings shall, subject to this Act, be as determined by the Authority.

(2) Any four members shall constitute a quorum at any meeting of the Authority and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Authority and shall have and may discharge all the powers, duties and functions of the Authority.

(3) The Chairman shall preside at all meetings of the Authority at which he is present.

(4) In the absence of the Chairman from any meeting of the Authority the members present shall, from amongst their own number, elect a member to preside at that meeting and at the meeting the member so elected shall have and may exercise the powers and functions conferred on the Chairman by this section.

(5) A decision carried by the majority of the votes cast by the members present at a meeting of the Authority shall be the decision of the Authority.

(6) The Authority shall cause accurate minutes to be kept of its proceedings at meetings.

10. (1) An act or proceeding of the Authority shall not be invalid by reason only of a vacancy in its membership, and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding shall be as valid and effectual as if the member had been duly nominated or appointed.

Validity of acts of the Authority and immunity of its members.

(2) No liability shall attach to a member of the Authority for any act or omission by him, or by the Authority, in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge, or purported discharge, of his or its duties under this Act or under any other Act.

11. (1) A member of the Authority who is in any way directly or indirectly interested in a contract or proposed contract made by, or in the contemplation of, the Authority shall disclose the nature of his interest at a meeting of the Authority, and the disclosure shall be recorded in the minutes of the Authority.

Disclosure of interest.

(2) A member of the Authority who is in any way directly or indirectly interested in a contract or proposed contract made by, or in the contemplation of, the Authority shall not take part in any decision of the Authority with respect to that contract.

Penalty for an offence against this subsection: Five hundred dollars.

#### DIVISION II—POWERS AND FUNCTIONS OF THE AUTHORITY

#### DIVISION II

12. (1) The functions of the Authority are as follows:—

Powers and functions.

- (a) to co-ordinate all systems of public transport within the State;
- (b) to recommend to the Minister the manner and means by which the powers and functions of any prescribed body, in relation to public transport within the State, may be assumed and exercised directly or indirectly by the Authority;
- (c) until a recommendation referred to in paragraph (b) of this subsection has been given effect to in relation to a prescribed body, to control and direct the activities of that prescribed body in relation to public transport within the State;
- (d) to perform such other functions—
  - (i) as may be necessary or incidental to the foregoing;
  - or
  - (ii) as may be assigned to the Authority by the Minister.

(2) The Authority has power to do all things necessary to be done for or in connection with or incidental to the performance of its functions or the exercise of its powers.

## PART II

DIVISION II  
Authority  
subject to  
general control  
and direction  
of the Minister.

13. In the exercise and discharge of its powers, duties, functions and authorities, the Authority shall, except where it makes or is required to make a recommendation to the Minister, be subject to the general control and direction of the Minister.

Power of  
delegation.

14. (1) The Authority may delegate to any member, officer or employee of the Authority any of its powers or functions, except this power of delegation, under this Act.

(2) Any such delegation shall be revocable at will and shall not derogate from the power of the Authority to act itself in any matter.

DIVISION III

Officers and  
employees.

## DIVISION III—STAFF, ETC.

15. (1) The Governor may, pursuant to the Public Service Act, 1967-1973, create such offices as he considers necessary or expedient for the purposes of this Act.

(2) The Minister may on the recommendation of the Public Service Board by notice published in the *Gazette* determine—

(a) that specified provisions of the Public Service Act, 1967-1973, and of the regulations thereunder, shall not apply to or in relation to officers appointed to an office referred to in subsection (1) of this section;

and

(b) that in lieu of those specified provisions, the provisions, if any, contained, or referred to, in the notice shall apply to and in relation to those officers,

and that notice shall have effect in accordance with its terms.

(3) The Minister may on the recommendation of the Public Service Board, by notice published in the *Gazette*, vary or revoke a notice published under subsection (2) of this section.

(4) The Authority may, with the approval of the Minister, employ such persons as it considers necessary or expedient for the proper administration of this Act.

(5) A person employed under subsection (4) of this section shall be employed on such terms and conditions as are determined from time to time by the Governor, and the Public Service Act, 1967-1973, shall not apply to or in relation to persons so employed.

## PART III

PART III

## MISCELLANEOUS

**16.** The moneys required for the purposes of this Act—

(a) shall be paid out of moneys provided by Parliament for the purposes;

or

(b) shall be paid out of moneys otherwise provided for the purposes of the Authority.

Moneys  
required for  
the purposes  
of this Act.

**17.** (1) The Auditor-General may at any time, and shall at least once in each year, audit the accounts of the Authority. Audit.

(2) The provisions of section 41 of the Audit Act, 1921-1973, shall apply and have effect as if the Authority were a public corporation referred to in that section.

**18.** (1) The Authority shall as soon as is practicable after the thirtieth day of June in each year submit a report to the Minister upon the activities of the Authority during the twelve months preceding that day. Annual report.

(2) The Minister shall cause a copy of every report made in accordance with subsection (1) of this section to be laid before each House of Parliament within fourteen days of his receipt thereof if Parliament is then in session or if Parliament is not then in session within fourteen days of the commencement of the next session of Parliament.

**19.** Proceedings in respect of offences under this Act shall be disposed of summarily. Summary Proceedings.

**20.** The Governor may make such regulations as he thinks necessary or expedient for the purposes of this Act. Regulations.

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

M. L. OLIPHANT, Governor