



ANNO VICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1975

No. 97 of 1975

An Act to amend the State Transport Authority Act, 1974.

[Assented to 20th November, 1975]

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 "State Transport Authority Act Amendment Act, 1975". Short titles.

(2) The State Transport Authority Act, 1974, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "State Transport Authority Act, 1974-1975".

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

3. Section 3 of the principal Act is amended by inserting immediately before the passage "PART III—MISCELLANEOUS" the passage "PART IIA—LICENSING". Amendment of principal Act, s. 3—Arrangement of Act.

4. Section 4 of the principal Act is amended—

(a) by inserting immediately after the definition of "Chairman" the following definitions:— Amendment of principal Act, s. 4—Interpretation.

"Inspector" means a person appointed to be an Inspector under Part IIA of this Act:

"licence" means a licence that has effect under Part IIA of this Act:

"licensee" means a person who holds a licence:;

(b) by striking out the definition of "prescribed body";

and

(c) by striking out from the definition of "public transport" the passage "under the control of The South Australian Railways Commissioner" and inserting in lieu thereof the passage "under the Railways Act, 1936-1975,".

Amendment of principal Act, s. 5—
Establishment and incorporation of the State Transport Authority.

5. Section 5 of the principal Act is amended by inserting in paragraph (f) of subsection (2) immediately after the passage "by or under this Act" the passage "or by or under any other Act".

Amendment of principal Act, s. 9—
Meeting, quorum, etc., of the Authority.

6. Section 9 of the principal Act is amended by striking out subsection (4) and inserting in lieu thereof the following subsections:—

(4) In the absence of the Chairman from any meeting of the Authority the person appointed to be deputy of the Chairman shall preside at the meeting and in the absence of both the Chairman and his deputy from any meeting of the Authority the members present shall choose one of their number to preside at the meeting.

(5) Each member of the Authority shall be entitled to one vote on a matter arising for determination by the Authority, and the person presiding at the meeting of the Authority shall, in the event of an equality of votes, have a second or casting vote.

Amendment of principal Act, s. 12—
Powers and functions.

7. Section 12 of the principal Act is amended by striking out paragraphs (b) and (c) of subsection (1) and inserting in lieu thereof the following paragraphs:—

(b) to ensure as far as is practicable that adequate public transport services are provided within the State;

(c) to perform such functions as are conferred upon the Authority by or under the Bus and Tramways Act, 1935-1975, and the Railways Act, 1936-1975.

Amendment of principal Act, s. 14—
Power of delegation.

8. Section 14 of the principal Act is amended by inserting in subsection (1) immediately after the passage "under this Act" the passage "or under any other Act".

Repeal of s. 15 of principal Act and enactment of section in its place—

Employment.

9. Section 15 of the principal Act is repealed and the following section is enacted and inserted in its place:—

15. (1) The Authority may employ such persons as it considers necessary or expedient for the purpose of performing its functions under this Act or under any other Act.

(2) A person employed by the Authority under this section shall be employed on such terms and conditions as the Authority determines, subject to any directions of the Minister, and the provisions of the Public Service Act, 1967-1975, shall not apply to or in relation to persons so employed.

(3) The Authority may with approval of the Minister and with the approval of the Minister controlling any department of the Public Service of the State, on terms mutually arranged, make use of the services of an officer of that department.

10. The following Part is enacted and inserted in the principal Act immediately after section 15 thereof:—

Enactment of Part IIA of principal Act—

PART IIA

LICENSING

15a. The following Acts and section of an Act are on the commencement of the State Transport Authority Act Amendment Act, 1975, hereby repealed:—

Repeal of Road and Railway Transport Act, 1930-1971.

Road and Railway Transport Act, 1930;

Road and Railway Transport Act, 1931;

Road and Railway Transport Act Amendment Act, 1939;

Road and Railway Transport Act Amendment Act, 1956;

Road and Railway Transport Act Amendment Act, 1957;

Section 14 of the Road Maintenance (Contribution) Act, 1963;

Road and Railway Transport Act Amendment Act, 1964;

Road and Railway Transport Act Amendment Act, 1971.

15b. (1) The board known as the "Transport Control Board" and in existence under the Road and Railway Transport Act, 1930-1971, immediately before the commencement of the State Transport Authority Act Amendment Act, 1975, is hereby dissolved.

Dissolution of Transport Control Board and subrogation of Authority.

(2) All rights, powers, duties and liabilities of the Board are hereby transferred to and vested in the Authority.

(3) Any proceedings commenced by or against the Board and not finally disposed of at the commencement of the State Transport Authority Act Amendment Act, 1975, may be continued and completed by or against the Authority.

(4) Any business of the Board that is not finally disposed of at the commencement of the State Transport Authority Act Amendment Act, 1975, may be continued and completed by the Authority.

(5) A reference to the Board in any Act, regulation, rule, by-law, order of a court, notice, order, licence, permit, instrument, agreement or document of any kind shall be read, where the context admits, as a reference to the Authority.

(6) A reference to the person holding office as the chairman of the Board or to a person holding office as a member of the Board in any Act, regulation, rule, by-law, order of a court, notice, order, licence, permit, instrument, agreement or document of any kind shall be read, where the context admits, as a reference to the Chairman of the Authority or to a member of the Authority respectively.

(7) In this section "the Board" means the Transport Control Board dissolved by this section.

Duty to obtain licence to operate vehicles on which passengers are carried for hire.

15c. (1) On and after the commencement of the State Transport Authority Act Amendment Act, 1975, a person shall not operate, or in any way hold himself out as being willing to operate, any vehicle for the purpose of transporting any passenger for hire—

(a) unless he is a licensee or is employed by a licensee to operate the vehicle;

or

(b) otherwise than in accordance with any condition attached to a licence held by him or held by his employer.

Penalty: Five hundred dollars.

(2) In any proceedings for an offence against this section, proof that any passenger was transported on the vehicle shall, in the absence of proof to the contrary, be deemed to be proof that the passenger was transported for hire.

(3) In any proceedings for an offence against this section an allegation in the complaint that a person was or was not a licensee at the time mentioned therein shall, in the absence of proof to the contrary, be deemed to be proved.

(4) In any proceedings for an offence against this section a licence and any conditions of the licence may be proved by production of a copy of the licence executed by the Authority.

(5) The Authority may by notice published in the *Gazette* exempt any person or person of a class of persons, or any vehicle or vehicle of a class of vehicles, specified in the notice from the operation of this section.

(6) The Authority may by notice published in the *Gazette* amend, vary or revoke a notice given under subsection (5) of this section.

Licences and permits under repealed Acts continued.

15d. (1) Any licence or permit granted to a person by the Board, or any licence granted to a person by the Trust, and having effect immediately before the commencement of the State Transport Authority Act Amendment Act, 1975, shall continue to have effect as if it were a licence granted to that person by the Authority under this Part for the same fee, expiring on the same date and having the same contents, terms and conditions as the Board or Trust fixed in respect of that licence or permit.

(2) In this section—

(a) “the Board” means the Transport Control Board dissolved by the State Transport Authority Act Amendment Act, 1975;

and

(b) “the Trust” means the Municipal Tramways Trust dissolved by the Municipal Tramways Trust Act Amendment Act, 1975.

Applications for licences.

15e. (1) An application for a licence must be made to the Authority in a manner and form approved by the Authority.

- (2) An applicant for a licence must, if the Authority so requires—
- (a) furnish the Authority with such further information as it specifies;
 - and
 - (b) verify by statutory declaration any information furnished for the purposes of the application.

15f. (1) Where application is made under this Act for a licence, the Authority shall determine whether a licence should be granted to the applicant having regard to such of the following matters or other matters as it considers relevant to operations of the kind to which the application relates:—

Grant of licences.

- (a) the suitability of the applicant to be granted a licence;
- (b) the safety of any vehicle that the applicant proposes to operate;
- (c) the suitability of any vehicle that the applicant proposes to operate for the operation to which the application relates;
- (d) the transport requirements of the public in the area that the applicant proposes to serve;
- and
- (e) the condition of the roads over which the applicant proposes to operate vehicles.

(2) Where the Authority determines under subsection (1) of this section that an applicant for a licence should be granted the licence, it shall, upon payment of the fee, or the first instalment of the fee, fixed by the Authority for that licence, grant the licence to the applicant.

15g. (1) The Authority may grant a licence for such period and attach to the licence conditions relating to such of the following matters or other matters as it considers appropriate having regard to the operation to be authorized by the licence:—

Contents and conditions of licences.

- (a) the route or routes over which the licensee is licensed to operate vehicles;
- (b) the vehicles that the licensee may operate under the licence;
- (c) the maintenance of the vehicles that the licensee may operate under the licence in a safe and suitable condition;
- (d) the payment to the Authority of any further instalments of the fee for the licence;
- (e) the rates to be charged for the transport of passengers on the vehicles that the licensee may operate under the licence;
- (f) the time-tables to which vehicles are to be operated by the licensee;
- (g) the class of persons who may be transported on the vehicles to be operated by the licensee;
- and
- (h) the records to be kept by the licensee relating to his operations under the licence.

(2) Every licence granted by the Authority shall specify:—

- (a) the person to whom it is granted;
- (b) the period for which it has effect;
- (c) the fee for the licence;
- and
- (d) all conditions attached to it by the Authority.

Variation
of terms
and conditions
of licences.

15h. (1) The Authority may, if it considers that it is necessary or desirable to do so, during the currency of a licence vary a condition attached to the licence or attach a further condition.

(2) The Authority may by notice in writing require a licensee to deliver his licence to the Authority within the time specified in the notice.

(3) A licensee given a notice under subsection (2) of this section shall not fail to comply with the requirements of the notice.

Penalty: Two hundred dollars.

Surrender,
suspension
and cancellation
of licences.

15i. (1) A licensee may at any time surrender his licence.

(2) The Authority may, after calling upon a licensee to show cause why his licence should not be cancelled or suspended, cancel the licence, or suspend the licence for such period as it thinks fit, if it is satisfied—

- (a) that the licensee obtained his licence improperly;
- or
- (b) that the licensee has failed to comply with, or has contravened, a condition attached to his licence by the Authority.

(3) A licence—

- (a) that is surrendered or cancelled under this section shall cease to have any effect;
- or
- (b) that is suspended under this section shall cease to have any effect for the period of the suspension.

Transfer of
licences,

15j. The Authority may upon the application of a licensee, or a person who may lawfully act in the stead of, or represent, a licensee, transfer his licence to a person who it is satisfied is a suitable person to hold the licence.

Duplicate
licences,

15k. The Authority shall, if it is satisfied that a licence has been lost or destroyed, upon payment of the prescribed fee, issue to the licensee a duplicate of that licence.

Appointment
of inspectors.

15l. The Authority may by notice published in the *Gazette* appoint a person to be an Inspector under this Part.

15m. (1) An Inspector may—

Powers of
Inspectors.

- (a) at any time enter into, or upon, and inspect any premises or place where there is, or where he suspects on reasonable grounds that there is, any vehicle that is operated for the transport of passengers for hire;
- (b) at any time enter into, or upon, and inspect any vehicle that is, or that he suspects on reasonable grounds is, operated for the transport of passengers for hire and for that purpose require any such vehicle to stop;
- (c) require any vehicle that is operated for the transport of passengers for hire to be presented at any place that he specifies for an examination or test of the vehicle;
- (d) carry out, or cause to be carried out, any examination or test of a vehicle that is operated for the transport of passengers for hire;
- (e) require any person to answer a question that in his opinion may disclose information as to whether or not the provisions of this Part are being complied with, or may facilitate the exercise and performance of his powers and functions under this Act, whether that question is put to that person directly or through an interpreter;

and

- (f) require the production of, and inspect and take copies of, any book, paper or document or any record of any kind that in his opinion may disclose information as to whether or not the provisions of this Part are being complied with, or may facilitate the exercise and performance of his powers and functions under this Act.

(2) In the exercise of his powers under subsection (1) of this section an Inspector may be accompanied by such other persons as he considers necessary or desirable in the circumstances.

(3) A person shall not—

- (a) hinder or obstruct an Inspector or a person accompanying an Inspector in the exercise by the Inspector of the powers conferred on him by subsection (1) of this section;
- (b) refuse or fail to comply with a requirement of an Inspector made under subsection (1) of this section.

Penalty: Five hundred dollars.

(4) A person is not excused from complying with a requirement of an Inspector made under paragraph (e) or (f) of subsection (1) of this section on the grounds that the information disclosed thereby might tend to incriminate him, but such information shall not be admissible against him in any proceedings, civil or criminal, other than proceedings for an offence against this section.

15n. No personal liability shall attach to an Inspector for an act or omission by him in good faith and in the exercise, or purported exercise, of his powers or functions or in the discharge, or purported discharge, of his duties under this Part.

Protection of
Inspectors.

False or misleading information.

15o. A person shall not in furnishing any information, or keeping any record, pursuant to this Part make, or cause to be made, any statement or representation that is to his knowledge false or misleading in a material particular.

Penalty: Five hundred dollars.

Notices.

15p. Any document or notice to be served on any person under this Part may be served by post.

Relation of Part to other Acts.

15q. The provisions of this Part are in addition to and not in derogation of the provisions of any other Act.

Amendment of principal Act, s. 16—
Moneys required for the purposes of this Act.

11. Section 16 of the principal Act is amended by striking out paragraphs (a) and (b) and inserting in lieu thereof the following paragraphs:—

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

or

(b) shall be paid out of the moneys otherwise received by the Authority.

Amendment of principal Act, s. 17—
Audit.

12. Section 17 of the principal Act is amended by inserting in subsection (1) after the word "accounts" the passage "under this Act".

Amendment of principal Act, s. 18—
Annual report.

13. Section 18 of the principal Act is amended by inserting in subsection (1) after the word "activities" the passage "under this Act".

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

M. L. OLIPHANT, Governor