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ELIZABETHAE II REGINAE

A.D. 1954

No. 59 of 1954

An Act to provide for the establishment of a Council to be known as The Metropolitan Transport Advisory Council, to prescribe the functions and powers of that Council, and for other purposes.

[Assented to 23rd December, 1954.]

Short title. 1. This Act may be cited as "The Metropolitan Transport Advisory Council Act, 1954".

Interpretation. 2. (1) In this Act, unless the context otherwise requires or some other meaning is clearly intended—

"the Chairman" means the Chairman of the Council;

"the Council" means the Metropolitan Transport Advisory Council appointed under this Act;

"member" means member of the Council and includes the chairman;

"the metropolitan area" subject to any alteration thereof made under subsection (2) of this section, means the areas which at the time of the passing of this Act, constitute the municipalities of Adelaide, Brighton, Burnside, Campbelltown, Enfield, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Payneham, Port Adelaide, Prospect, St. Peters, Thebarton, Unley, Walkerville, West Torrens and Woodville, and the Garden Suburb, and the District council district of Salisbury.

(2) The Governor may, by proclamation, from time to time alter the metropolitan area by including additional land therein, or excluding any land therefrom.

3. The Governor may appoint a Council to be called "The Metropolitan Transport Advisory Council", and may from time to time fill vacancies occurring in the membership of the Council.

Appointment of Council.

4. The Council shall consist of a chairman and two other persons.

Constitution of Council.

5. (1) Subject to the other provisions of this Act, every member of the Council shall hold office until the thirty-first day of December, nineteen hundred and fifty-seven and on that day the Council shall cease to exist: Provided that a member appointed to a casual vacancy shall hold office only for the balance of the term of the member in whose place he was appointed.

Term of office.

(2) A retiring member shall be eligible for re-appointment.

6. (1) The Governor may remove any member from his office if he is satisfied that reasonable cause exists for doing so.

Dismissal and resignation of members.

(2) A member may resign his office by written notice delivered to the Minister of Railways.

7. The members of the Council shall not by virtue only of their offices as such members be subject to the provisions of the Public Service Act, 1936-1953, whether relating to retirement at any prescribed age or to any other matter.

Non-application of Public Service Act.

8. A decision of the Council concurred in by any two members thereof shall be deemed to be a decision of the whole Council.

Majority decisions.

9. The members of the Council shall be entitled to receive such remuneration for their services as is fixed by the Governor.

Remuneration.

10. No act or proceeding of the Council shall be invalid by reason only of the fact that at the time when such act was done or when such proceeding took place there was a vacancy in the office of any member or any defect in the title of any member to his office.

Validity of acts and proceedings.

11. The Governor may appoint a secretary to the Council, and any other officers whom he deems it necessary to appoint, to enable the Council to perform its functions.

Officers.

12. The Council shall enquire into and report upon any matters relating to or connected with the public transport services or public transport requirements of the metropolitan area, which are referred to the Council by the Governor.

Duty of Council.

Reports by Council.

13. (1) The Council shall present every report made by it, to the Minister of Railways.

(2) The Minister may publish any report in such manner as he deems fit, and shall cause every report to be laid before both Houses of Parliament.

Directions concerning railways and tramways.

14. (1) For all or any of the purposes mentioned in this section, the Governor, on the recommendation of the Council, may make orders giving to The South Australian Railways Commissioner or to the Municipal Tramways Trust or to both of them directions as to the policy to be pursued by the said Commissioner or Trust in exercise of any of their respective powers or functions, or as to what is to be done or not done by the said Commissioner or Trust in any particular circumstances.

(2) Such orders may be made for all or any of the following purposes :—

(a) ensuring that adequate public transport services are provided for the metropolitan area or any part thereof ;

(b) preventing duplication or overlapping of public transport services in the metropolitan area or any part thereof ;

(c) otherwise securing economy and efficiency in public transport services in the metropolitan area or any part thereof.

(3) Any order made under subsection (1) of this section may be varied or revoked by a subsequent order made by the Governor on the recommendation of the Council.

(4) It shall be the duty of The South Australian Railways Commissioner and of the Municipal Tramways Trust to comply with every direction given to him or it under this section: Provided that where any such direction cannot be complied with except by the expenditure of money voted by Parliament it shall not be necessary to comply with such direction until money for the purpose of defraying such expenditure is so voted.

(5) No order shall be made under this section after the thirty-first day of December, nineteen hundred and fifty-seven, but any orders made on or before that day shall remain in force after that day for such period as is necessary to give effect thereto.

Application of Royal Commissions Act, 1917.

15. The Royal Commissions Act, 1917, shall apply to the Council and its proceedings as if—

(a) the Council were a commission to whom a commission of enquiry had been issued by the Governor :

- (b) the chairman and each other member of the Council were the chairman and a member respectively of such a commission :
- (c) the secretary of the Council were the secretary of such a commission :

Provided that when taking evidence the Council shall sit in public unless it is of opinion that the public interest or the interests of justice require that such evidence shall be taken in private.

16. The Governor may make regulations prescribing any matters necessary or convenient to be prescribed for the purpose of carrying this Act into effect, and may by any such regulations prescribe penalties, recoverable summarily and not exceeding one hundred pounds, for breach of any such regulations. **Regulations.**

17. The money required for the expenses of or incidental to the appointment and work of the Council shall be paid out of the money provided by Parliament for those purposes. **Financial provision.**

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

R. A. GEORGE, Governor.