

SOUTH AUSTRALIA

STATE TRANSPORT AUTHORITY ACT, 1974

*This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at **19 June 1989**.*

The Commissioner of Statute Revision is authorized by the Acts Republication Act, 1967, to make textual alterations of various kinds to an Act in preparing it for reprint. These alterations do not affect the substantive law. A report has been prepared containing a comprehensive list of textual alterations made under the Acts Republication Act, 1967, in the preparation of this reprint. Copies of the report are available, on request, from the office of the Commissioner of Statute Revision, 11th Floor, S.G.I.C. Building, Victoria Square, Adelaide.

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STATE TRANSPORT AUTHORITY ACT, 1974

being

State Transport Authority Act, 1974, No. 41 of 1974
[Assented to 11 April 1974]¹

as amended by

State Transport Authority Act Amendment Act, 1975, No. 97 of 1975 [Assented to 20 November 1975]²
State Transport Authority Act Amendment Act, 1977, No. 13 of 1977 [Assented to 5 May 1977]³
State Transport Authority Act Amendment Act, 1978, No. 17 of 1978 [Assented to 23 March 1978]⁴
State Transport Authority Act Amendment Act (No. 2), 1978, No. 63 of 1978 [Assented to 28 September 1978]
State Transport Authority Act Amendment Act, 1981, No. 28 of 1981 [Assented to 19 March 1981]⁵
State Transport Authority Act Amendment Act (No. 2), 1981, No. 78 of 1981 [Assented to 19 November 1981]⁶
State Transport Authority Act Amendment Act, 1989, No. 6 of 1989 [Assented to 9 March 1989]⁷
Statute Law Revision Act, 1989, No. 39 of 1989 [Assented to 4 May 1989]⁸

¹ Came into operation 18 April 1974: *Gaz.* 18 April 1974, p. 1340.

² Came into operation 8 December 1975: *Gaz.* 4 December 1975, p. 2994.

³ Came into operation 5 May 1977: *Gaz.* 5 May 1977, p. 1264.

⁴ Came into operation 1 June 1978: *Gaz.* 1 June 1978, p. 1878.

⁵ Came into operation 19 March 1981: *Gaz.* 19 March 1981, p. 745.

⁶ Came into operation 19 November 1981: *Gaz.* 19 November 1981, p. 1530.

⁷ Came into operation 30 March 1989: *Gaz.* 30 March 1989, p. 876.

⁸ Came into operation (except Sched. 2) 19 June 1989: *Gaz.* 25 May 1989, p. 1395.

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix 1.

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

The Parliament of South Australia enacts as follows:

PART I

PRELIMINARY

Short title

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

* * * * *

* * * * *

Interpretation

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

"the Authority" means the *State Transport Authority* established under Part II:

"the Chairman" means the Chairman of the Authority:

"goods" includes animals:

* * * * *

"public transport service" means a service consisting in the carriage of passengers or goods—

(a) by train, bus or tram;

(b) by means of any automated, or semi-automated, vehicular system;

or

(c) by any other means,

but does not include a service the predominant purpose of which is the carriage of goods:

"public transport system" means a system or undertaking for the provision of, or related to the provision of, public transport services:

"road maintenance authority" means an authority responsible for the care, control and management of a street or road.

Note: For definition of divisional penalties see Appendix 2.

PART II

THE STATE TRANSPORT AUTHORITY

DIVISION I—ESTABLISHMENT AND CONSTITUTION OF AUTHORITY

Establishment, etc., of the Authority

5. (1) The *State Transport Authority* is established.

(2) The Authority—

(a) is a body corporate;

(b) has full juristic capacity to exercise any powers that are by their nature capable of being exercised by a body corporate;

and

(c) holds its property on behalf of the Crown.

(3) Where a document purports to bear the common seal of the Authority, it will 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.

(4) The Authority is subject to the control and direction of the Minister.

Membership of the Authority

6. (1) The Authority consists of eight members appointed by the Governor on the nomination of the Minister.

(2) The Governor—

(a) will appoint a member of the Authority to be Chairman of the Authority;

and

(b) may appoint another member (or some other suitable person) to be Deputy Chairman of the Authority.

Terms and conditions upon which members hold office

7. (1) The Chairman will 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 a term of office, will be eligible for reappointment.

* * * * *

(2) A member of the Authority, other than the Chairman, will 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 a term of office, will be eligible for reappointment.

4.

(3) The Governor may appoint a suitable person to be a deputy of a member of the Authority (other than the Chairman) and such a person may act as a member of the Authority—

(a) in the case of the deputy of the member who is Deputy Chairman of the Authority—

(i) in the absence of the Deputy Chairman;

or

(ii) at any meeting of the Authority at which the Deputy Chairman presides;

or

(b) in any other case—in the absence of the member of whom he or she 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 appointment;

(b) mental or physical incapacity to carry out official duties satisfactorily;

(c) neglect of duty;

or

(d) dishonourable conduct.

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

(a) dies;

(b) completes a term of office;

(c) resigns by written notice addressed to the Minister;

or

(d) is removed from office by the Governor pursuant to subsection (4).

(6) On the office of a member of the Authority becoming vacant, a person will be appointed in accordance with this Act to the vacant office.

Salary, allowances and expenses

8. The Chairman is entitled to receive such salary, allowances and expenses, and the other members of the Authority are 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 will, subject to this Act, be as determined by the Authority.

5.

(2) Any five members constitute a quorum of the Authority and no business will be transacted at a meeting of the Authority unless a quorum is present.

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

(4) In the absence of the Chairman from a meeting of the Authority the Deputy Chairman will, if present, preside at that meeting, and in the absence of both the Chairman and the Deputy Chairman from a meeting of the Authority, the members present must choose one of their number to preside at that meeting.

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

* * * * *

(6) A decision carried by a majority of the votes cast by the members present at a meeting of the Authority is a decision of the Authority.

(7) The Authority must cause accurate minutes to be kept of its meetings.

Validity of acts of the Authority and immunity of its members

10. (1) An act or proceeding of the Authority is not 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 is as valid and effectual as if the member had been duly nominated or appointed.

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

(3) A liability that would, but for subsection (2), lie against a member of the Authority, lies against the Crown.

Disclosure of interest

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 must disclose the nature of that interest at a meeting of the Authority, and the disclosure must be recorded in the minutes of the Authority.

(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 must not take part in any decision of the Authority with respect to that contract.

Penalty for an offence against this subsection: Division 6 fine.

DIVISION II—DELEGATION

Delegation

12. (1) The Authority may delegate to any member, officer or employee of the Authority any of its powers or functions under this Act or any other Act.

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

DIVISION III—FINANCIAL PROVISIONS

Grants to Authority

13. The Treasurer may, out of money provided by Parliament, make grants to the Authority for the purpose of enabling or assisting it to carry out its functions under this Act.

* * * * *

Accounts and audit

15. (1) The Authority must keep proper accounts, in a form determined by the Treasurer, of its financial affairs.

(2) The Auditor-General may at any time and must at least once in each year, audit the accounts of the Authority.

DIVISION IV—ANNUAL REPORT

Annual report

16. (1) The Authority must, no later than 30 September in each year, submit a report to the Minister on the work of the Authority and the administration of this Act during the financial year that ended on the preceding 30 June.

(2) The report must include the audited accounts of the Authority for the relevant financial year.

(3) The Minister must, within 12 sitting days of receipt of a report under this section, cause copies of the report to be laid before both Houses of Parliament.

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PART III

POWERS AND FUNCTIONS OF THE AUTHORITY

DIVISION I—GENERAL FUNCTIONS OF THE AUTHORITY

General functions of the Authority

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

(a) to provide public transport services and to conduct operations for or related to the provision of public transport services;

(b) to establish, maintain, extend, alter or discontinue public transport systems;

and

(c) such other functions—

(i) as are incidental or ancillary to the foregoing;

or

(ii) as may be assigned to the Authority by the Minister.

(2) The services of the Authority may be provided either within or outside the State.

(3) For the purposes of carrying out its functions, the Authority may—

(a) appoint such agents and employees as the Authority thinks necessary or expedient;

(b) acquire, hold, deal with and dispose of real and personal property;

(c) enter into contracts or arrangements of any kind;

(d) exercise any other power that is reasonably necessary for or incidental to the performance of those functions.

(4) An employee of the Authority is not a Public Service employee.

(5) The Authority has power to acquire, hold, deal with and dispose of—

(a) an interest in a strata unit or a strata corporation;

or

(b) securities issued by a body corporate,

but no other shares or interests in the capital of a body corporate.

(6) The Authority cannot acquire any security issued by a body corporate except with the prior approval of the Governor.

DIVISION II—ACQUISITION OF LAND

Acquisition of land

18. The Authority may, subject to and in accordance with the *Land Acquisition Act, 1969*, acquire land—

- (a) for the establishment, extension or alteration of a public transport system;
- or
- (b) for any incidental or related purpose.

DIVISION III—POWER OF AUTHORITY TO CARRY OUT WORKS

Power to carry out works for establishment, etc., of public transport systems

19. The Authority may carry out such works as are necessary for the establishment, maintenance, extension, alteration or discontinuance of a public transport system.

Works in relation to public streets and roads

20. (1) In the exercise of its powers under this Division, the Authority may—

- (a) carry out structural work;
- and
- (b) erect, construct or lay down structures,

over, under, along, across, or adjacent to a public street or road.

(2) The Authority must make good any damage to a street or road arising from works carried out under this Division, and, subject to any agreement with the relevant road maintenance authority, is liable to maintain structures established by the Authority in relation to a street or road.

(3) Subject to subsection (4), the Authority must, at least 28 days before commencing works that involve disturbing the surface of a public street or road, or that otherwise relate to a public street or road, inform the relevant road maintenance authority of its intention to carry out the works.

(4) In case of emergency the Authority need only give such notice (if any) as is practicable in the circumstances.

Removal and disposal of structures and equipment in the event of discontinuance of transport system

21. Where the Authority discontinues a public transport system, or part of a public transport system, the Authority may with the consent of the Minister—

- (a) remove structures that are not required in view of the discontinuance;
- and

- (b) sell or dispose of any materials or equipment that has become surplus to the Authority's requirements in view of the discontinuance.

DIVISION IV—PUBLIC TRANSPORT ROUTES, ETC.

Public transport routes

22. (1) The Authority may determine—

- (a) the routes along which public transport services are to be provided;

and

- (b) the places at which stations, stops, or other points for embarkation or disembarkation of passengers or goods, are to be established.

(2) Where the Authority proposes to commence using a public street or road, on a regular basis, for the purposes of providing public transport services, the Authority must, at least one month before it commences regular use of the street or road, give notice in writing of the proposal to the relevant road maintenance authority.

(3) Before making a determination under subsection (1)(b) in relation to a public street or road, the Authority must consult with the relevant road maintenance authority and must take into account the views of that road maintenance authority.

DIVISION V—INCIDENTAL FACILITIES

Car parks

22a. Where it is, in the opinion of the Authority, desirable to provide a car park for the convenience of those who make use of a public transport system, the Authority may construct and operate a car park or it may arrange for the establishment and operation of a car park by some other person.

Facilities for refreshment and recreation

23. (1) Where it is, in the opinion of the Authority, desirable that facilities or amenities for recreation or refreshment be available as a part of, or in connection with a public transport system, the Authority may itself provide such facilities or amenities, or may grant leases or licences over property of the Authority with a view to provision by the lessees or licensees of such facilities or amenities.

(2) The Authority may, subject to the regulations, sell or supply liquor at the railway refreshment rooms at the Adelaide Railway Station for consumption in those refreshment rooms—

- (a) between the hours of 8 a.m. and 12 midnight on any day except Sunday and Good Friday;

and

- (b) for consumption with or ancillary to a *bona fide* meal between 11.30 a.m. and 9 p.m. on a Sunday.

PART IV

MISCELLANEOUS

Hindering employees of the Authority

24. A person must not hinder an employee of the Authority in the exercise of a duty assigned to the employee by the Authority.

Penalty: Division 8 fine.

Damage or defacement of property of the Authority

25. (1) A person must not damage or deface property of the Authority.

Penalty: Division 9 fine.

(2) Upon conviction of a person for an offence against this section, the court may order the convicted person to pay to the Authority such amount as the court thinks just to compensate it for loss arising from the commission of the offence.

Disorderly or offensive behaviour

26. (1) A person must not behave in a disorderly or offensive manner while in a vehicle operated by the Authority.

Penalty: Division 9 fine.

(2) An employee of the Authority who has reason to believe that a person has committed an offence against subsection (1) may require that person to alight from the vehicle and, if the person refuses or fails to do so, may exercise reasonable force to remove the person from the vehicle.

(3) A person must comply with a requirement under subsection (2).

Penalty: Division 8 fine.

Payment of fares and charges

27. (1) A person for whom a service is provided by the Authority and who does not pay the appropriate fare or charge fixed under this Act for that service is guilty of an offence.

Penalty: Division 9 fine.

(2) In proceedings for an offence against subsection (1), an allegation that a particular service, described in the complaint, was provided for the defendant will be accepted as proved in the absence of proof to the contrary.

(3) If in proceedings for an offence against subsection (1) it is established that a particular service was provided and that the appropriate fare or charge was not paid, it is a defence to prove—

(a) that the failure to pay the appropriate fare or charge was attributable to an honest and reasonable mistake on the defendant's part;

or

- (b) that the defendant did not have a reasonable opportunity to pay the appropriate fare or charge.

Obstruction of public transport system

27a. (1) A person must not—

- (a) throw or place any object that might impede the free passage of a vehicle operated by the Authority on the track or path of such a vehicle;
- (b) interfere with any equipment necessary for the safe operation of a public transport system operated by the Authority;

or

- (c) obstruct or impede in any other manner the proper operation of a public transport system operated by the Authority.

Penalty: Division 5 fine.

(2) This section does not derogate from a criminal liability that may arise apart from this section.

(3) Where an object on the track or path of a vehicle operated by the Authority may impede the free passage of that vehicle, an employee of the Authority may take any action reasonably necessary to have the object removed.

Dangerous or offensive goods

28. (1) A person must not, without the permission of the Authority—

- (a) carry a dangerous or offensive object or substance on a vehicle operated by the Authority;

or

- (b) cause a dangerous or offensive object or substance to be carried on a vehicle operated by the Authority.

Penalty: Division 9 fine.

(2) Where an employee of the Authority has reasonable cause to suspect that a parcel that is being, or is to be, transported by the Authority may contain a dangerous or offensive object or substance, the employee may—

- (a) require the person in possession of the parcel to open the parcel for examination of its contents;

or

- (b) open the parcel and examine its contents.

(3) A person to whom a requirement is addressed under subsection (2) must comply with the requirement.

Penalty: Division 9 fine.

Proceedings for offences

29. (1) The offences constituted by this Act are summary offences.

(2) Where a person is alleged to have committed an offence against this Act, the Authority may give to that person, personally or by post, a notice to the effect that he or she may expiate the offence by payment of an expiation fee fixed by regulation within a period fixed in the notice and, if the offence is so expiated, no prosecution will be commenced in a court in respect of the alleged offence.

(3) The Authority—

(a) has a discretion to extend the period fixed for payment of an expiation fee;

and

(b) may, in appropriate cases, reduce the amount of the expiation fee.

Exemption of certain instruments from stamp duty

30. An instrument under which the Authority acquires an estate or interest in real or personal property, or takes property on hire, is exempt from stamp duty.

Regulations

31. (1) The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

(2) Without limiting the generality of subsection (1), those regulations may—

(a) regulate the conduct of persons—

(i) in vehicles or on property of the Authority;

or

(ii) on or in any land, building or structure associated with a public transport system;

(b) provide that provisions of the *Liquor Licensing Act, 1985*, will apply, with such modifications as may be prescribed, to or in relation to the sale, supply or consumption of liquor at places at which the Authority sells or supplies liquor;

(c) regulate the duties and conduct of employees of the Authority;

(d) regulate, restrict or prohibit admission to vehicles, land or premises associated with a public transport system;

13.

- (e) fix, and provide for the payment of, fares and charges (including concessional fares and charges) for services provided by the Authority;
- (f) regulate, restrict or prohibit the carriage of passengers' luggage;
- (g) provide for—
 - (i) the removal of goods left or abandoned on premises or property of the Authority;
 - (ii) the disposal of unclaimed goods;

and

- (h) prescribe fines, not exceeding a division 9 fine, for breach of, or non-compliance with, any regulation.

APPENDIX 1

Legislative History

The *State Transport Authority Act, 1974*, repealed the following Acts:

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

The *State Transport Act Authority Act Amendment Act (No. 2), 1981*, repealed the following Acts:

Bus and Tramways Act, 1935-1978
Railways Act, 1936-1979

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 10 of *The Public General Acts of South Australia 1837-1975* at page 504.

Certain textual alterations were made to this Act by the Commissioner of Statute Revision when preparing the reprint of the Act that incorporated all amendments in force as at 19 June 1989. A schedule of these alterations was laid before Parliament on 3 August 1989.

Section 2:	repealed by 6, 1989, Sched.
Section 3:	amended by 28, 1981, s. 3; 78, 1981, s. 4; repealed by 6, 1989, Sched.
Section 4:	amended by 28, 1981, s. 4; substituted by 78, 1981, s. 5 definition of "member" repealed by 6, 1989, Sched.
Section 5(2):	substituted by 6, 1989, Sched.
Section 5(4):	inserted by 78, 1981, s. 6
Section 6:	amended by 13, 1977, s. 3; substituted by 6, 1989, Sched.
Section 7(1a):	inserted by 63, 1978, s. 2(a); repealed by 6, 1989, Sched.
Section 7(3):	substituted by 63, 1978, s. 2(b)
Section 7(4):	amended by 6, 1989, Sched.
Section 7(6):	substituted by 6, 1989, Sched.
Section 9(2):	amended by 13, 1977, s. 4; substituted by 6, 1989, Sched.
Section 9(4):	substituted by 63, 1978, s. 3
Section 9(5):	substituted by 63, 1978, s. 3; amended by 6, 1989, Sched.
Section 9(5):	repealed by 63, 1978, s. 3
Section 9(6):	substituted by 63, 1978, s. 3
Section 9(7):	inserted by 63, 1978, s. 3
Section 10(2):	substituted by 6, 1989, Sched.
Section 11(2):	amended by 6, 1989, s. 3
	Division II of Part II comprising ss. 12 - 14a and heading amended by 17, 1978, s. 3; repealed and s. 12 and heading inserted in its place by 78, 1981, s. 7
	Division III of Part II comprising s. 15 and heading repealed and ss. 13 - 15 and heading inserted in its place by 78, 1981, s. 7
Section 14:	repealed by 6, 1989, Sched.
	Division IV of Part II comprising s. 16 and heading inserted by 78, 1981, s. 7

15.

Section 16(1) and (3):	amended by 6, 1989, Sched. Part IIA comprising ss. 15a - 15q and heading repealed by 28, 1981, s. 5 Part III comprising ss. 16 - 20 and heading repealed and ss. 17 - 23 and headings inserted in its place by 78, 1981, s. 8
Section 17(4) - (6):	substituted by 6, 1989, s. 4
Section 18:	substituted by 6, 1989, s. 5
Heading preceding section 23:	substituted by 6, 1989, s. 6
Section 22a:	inserted by 6, 1989, s. 6 Part IV comprising ss. 24 - 31 and heading inserted by 78, 1981, s. 8
Section 24:	amended by 6, 1989, s. 7
Section 25(1):	amended by 39, 1989, s. 3(1) (3rd Sched.)
Section 26(1) and (3):	amended by 39, 1989, s. 3(1) (3rd Sched.)
Section 27:	substituted by 6, 1989, s. 8
Section 27a:	inserted by 6, 1989, s. 8
Section 27b:	inserted by 6, 1989, s. 8; redesignated as s. 29 in pursuance of the Acts Republication Act, 1967, and transferred to appear after s. 28
Section 28(1) and (3):	amended by 39, 1989, s. 3(1) (3rd Sched.)
Section 29:	repealed by 6, 1989, s. 9
Section 31(2):	substituted by 6, 1989, s. 10

APPENDIX 2

Divisional Penalties

At the date of publication of this reprint divisional penalties are, as provided by section 28a of the *Acts Interpretation Act, 1915*, as follows:

Division	Maximum imprisonment	Maximum fine
1	15 years	\$60 000
2	10 years	\$40 000
3	7 years	\$30 000
4	4 years	\$15 000
5	2 years	\$8 000
6	1 year	\$4 000
7	6 months	\$2 000
8	3 months	\$1 000
9	-	\$500
10	-	\$200
11	-	\$100
12	-	\$50

Note: This appendix is provided for convenience of reference only.