



ANNO VICESIMO SECUNDO

GEORGII V REGIS.

A.D. 1931.

No. 2020.

An Act to amend the Road and Railway Transport Act, 1930.

[Assented to, November 12th, 1931.]

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 “Road and Railway Transport Act, 1931”. Short titles.

(2) The Road and Railway Transport Act, 1930, and this Act may be cited together as the “Road and Railway Transport Acts, 1930 and 1931”.

(3) The Road and Railway Transport Act, 1930, is hereinafter referred to as “the principal Act”.

2. This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act. Incorporation.

3. The principal Act shall be construed as if at the time of the passing thereof the following sections had been included therein after section 2 and section 5 respectively:— New sections
2A and 5A—

2A. This Act shall be construed subject to the Commonwealth of Australia Constitution Act and so as not to exceed the legislative power of the State, to the intent that where any provision hereof would, but for this section, be construed as being in excess of that power it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power. Construction of Act.

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Validity of acts of Board.

5A. No act, order, or proceeding of the Board shall be invalid by reason only of the fact that at the time when such act is done, order made, or proceeding taken, there is a vacancy in the office of any member of the Board, or that any defect exists in the title of any member to his office.

Amendment of principal Act, s. 18 (1)—
Minimum rates.

4. Paragraph (g) of subsection (1) of section 18 of the principal Act is amended by striking out the word "and" in the fourth line thereof and inserting in lieu thereof the words "or which".

Amendment of principal Act, s. 22—
Licence discs.

5. Section 22 of the principal Act is amended by striking out the word "metal" in the third line of subsection (2) thereof.

Amendment of principal Act, s. 26 (1)—

6. (1) Subsection (1) of section 26 is amended so as to read as follows:—

Rights of persons engaged in business at commencement of Act.

26. (1) If any person—

(a) satisfies the Board that he was from a date not later than the first day of March, nineteen hundred and thirty, until the appointed day continuously engaged in business as a carrier of passengers or goods, or both, and was making at least two return journeys per week on the same route in connection with the said business;

(b) applies not later than one month after the appointed day as defined in this section for a licence; and

(c) is refused a licence under which it would be possible for him to earn substantially the same rate of net income from the said business as he was earning during the period mentioned in paragraph (a):

he shall be entitled to be paid by the Board a sum equal to the assessed value of any vehicles which the Board is satisfied that he was *bona fide* using in connection with the said business prior to the first of October, nineteen hundred and thirty, and immediately prior to the appointed day, and which will, as the result of the refusal of a licence as aforesaid, be no longer required in connection with his said business.

The assessed value of any vehicle means a sum equal to the average price at which vehicles of the same kind and in the same state of repair as such vehicle were being offered for sale in Adelaide on the first day of October, nineteen hundred and thirty, by persons engaged in business as sellers of vehicles: Provided that if the Board and the applicant are unable to agree on the assessed value within two months after the applicant has given notice to the Board that he claims a sum under this section, the said value shall be determined by an independent valuer nominated by the person for the time being holding the office of Engineer-in-Chief in the Public Service. The Board shall not by virtue of the payment of the assessed value of any vehicle acquire any right, title, or interest therein.

(2) Subsection (1) of section 26 of the principal Act, as amended by this section, shall apply to all claims under the said subsection, whether made before or after the commencement of this Act, except claims

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claims settled by a monetary payment before the commencement of this Act, and any notice given before the said commencement under the said subsection shall be deemed to have been given under the said subsection as amended by this section.

(3) Subsection (4) of section 26 is amended so as to read as follows:—

(4) If, in any case not falling under subsection (1) of this section, the Board is satisfied that any person continuously engaged in business as a carrier of passengers or goods or both, for hire from a date not later than the first of March, nineteen hundred and thirty, has as a result of any action taken by the Board in the administration of this Act, been deprived of the opportunity to earn a livelihood by means of any vehicle which was used by him in such business prior to the first of October, nineteen hundred and thirty, and that in all the circumstances it is just to compensate such person, the Board may, in its discretion, grant to such person an allowance not exceeding the average price at which vehicles of the same kind and in the same state of repair as the vehicle of such person at the time when he was compelled to cease using the vehicle, were being offered for sale in Adelaide on the first of October, nineteen hundred and thirty, by persons engaged in business as sellers of vehicles. If any person engaged in business as aforesaid replaced a vehicle used by him on the first of October, nineteen hundred and thirty, with another vehicle or vehicles after that date, the Board may, in its discretion, grant to that person an allowance not exceeding the average price at which in the opinion of the Board formed after due inquiry, vehicles of the same kind and in the same state of repair as the first mentioned vehicle was in at the time it was replaced, were being offered for sale in Adelaide on the first of October, nineteen hundred and thirty, by persons engaged in business as sellers of vehicles.

(4) Section 26 of the principal Act is further amended by inserting at the end thereof the following subsection:—

(5) When a person has received from the Board the assessed value of any vehicle under subsection (1) of this section, or compensation under subsection (4) of this section for deprivation of the opportunity to earn a livelihood by means of any vehicle, no person shall on any controlled route drive the vehicle the assessed value of which has been paid as aforesaid, or in respect of which compensation has been paid as aforesaid, or cause such vehicle so to be driven without the written permission of the Board.

Penalty, Fifty Pounds.

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The Board may in its discretion on payment of a fee of Two Shillings and Six Pence grant written permission to drive any such vehicle on any controlled route, and such permission may be subject to any terms, conditions, and restrictions and for such period as the Board thinks fit.

7. The principal Act is amended by inserting therein after section 27 the following section :—

Board's powers
in conducting
investigations.

27A. The Board, for the purpose of conducting any investigation or inquiry authorised to be made by or under this Act, or of satisfying itself as to the existence or otherwise of any facts necessary to be ascertained for the purposes of this Act, shall have all the powers and immunities of a Royal Commission, and the Chairman of the Board shall have the powers of a Chairman within the meaning of the Royal Commissions Act, 1917, and the provisions of that Act shall *mutatis mutandis* apply to all proceedings of the Board and to any witness or person summoned or appearing before the Board.

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

A. HORE-RUTHVEN, Governor.