

## STATE TRANSPORT AUTHORITY ACT, 1974-1975

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# STATE TRANSPORT AUTHORITY ACT, 1974-1975

being

State Transport Authority Act, 1974, No. 41 of 1974 [Assented to 11th April, 1974]<sup>1</sup>;

as amended by

State Transport Authority Act Amendment Act, 1975, No. 97 of 1975 [Assented to 20th November, 1975]<sup>2</sup>.

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

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

1. This Act may be cited as the "State Transport Authority Act, 1974-1975".

Short title.  
Citation  
amended by 97,  
1975, s. 1 (3).

2. This Act shall come into operation on a day to be fixed by proclamation<sup>1</sup>.

Commence-  
ment.

3. This Act is arranged as follows:—

Arrangement of  
Act.  
S. 3 amended by  
97, 1975, s. 3.

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 IIA—LICENSING

PART III—MISCELLANEOUS.

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

Interpretation.

"Chairman" means the Chairman of the Authority:

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

Def. inserted by  
97, 1975,  
s. 4 (a).

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

Def. inserted by  
97, 1975,  
s. 4 (a).

"licensee" means a person who holds a licence:

Def. inserted by  
97, 1975,  
s. 4 (a).

<sup>1</sup> Came into operation 18th April, 1974: *Gaz.* 18th April, 1974, p. 1340.

<sup>2</sup> Came into operation 8th December, 1975: *Gaz.* 4th December, 1975, p. 2994.

“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:

Def. of  
“prescribed  
body” struck  
out by 97, 1975,  
s. 4 (b).

\* \* \* \* \*

Def. amended  
by 97, 1975,  
s. 4 (c).

“public transport” includes transport or other activity under the Railways Act, 1936-1975, 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

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

Establishment  
and  
incorporation of  
the State  
Transport  
Authority.

5. (1) There shall be an Authority entitled 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

Para. (f)  
amended by 97,  
1975, s. 5.

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

Constitution of  
the Authority.

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

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

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.

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.

Salary,  
allowances and  
expenses.

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.

Meetings,  
quorum, etc., of  
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 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.

Subsec. (4)  
substituted by  
97, 1975, s. 6.

## PART II

DIVISION I

Subsec. (5)  
inserted by 97,  
1975, s. 6.

(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.

Subsec. (5)  
enacted by 41,  
1974.

(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.

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

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.

(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.

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 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.

(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

## DIVISION II—POWERS AND FUNCTIONS OF THE AUTHORITY

Powers and  
functions.

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

(a) to co-ordinate all systems of public transport within the State;

Para. (b)  
substituted by  
97, 1975, s. 7.

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

Para. (c)  
substituted by  
97, 1975, s. 7.

(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;

(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.

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.

Authority subject to general control and direction of the Minister.

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 or under any other Act.

Power of delegation.  
Subsec. (1) amended by 97, 1975, s. 8.

(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—STAFF, ETC.

DIVISION III

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.

Employment.  
S. 15 substituted by 97, 1975, s. 9.

(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.

PART IIA

PART IIA

LICENSING

Part IIA and Heading enacted by 97, 1975, s. 10.

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.  
S. 15a enacted by 97, 1975, s. 10.

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.  
S. 15b enacted by 97, 1975, s. 10.

(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.  
S. 15c enacted  
by 97, 1975,  
s. 10.

**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.  
S. 15d enacted  
by 97, 1975,  
s. 10.

**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.

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

Applications for licences.  
S. 15e enacted by 97, 1975, s. 10.

(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.  
S. 15f enacted by 97, 1975, s. 10.

(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.  
S. 15g enacted by 97, 1975, s. 10.

(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.  
S. 15h enacted by 97, 1975, s. 10.

**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.  
S. 15i enacted by 97, 1975, s. 10.

**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.  
S. 15j enacted by 97, 1975, s. 10.

**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.  
S. 15k enacted by 97, 1975, s. 10.

**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.  
S. 15l enacted by 97, 1975, s. 10.

**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—**

- (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.

Powers of  
Inspectors.  
S. 15m enacted  
by 97, 1975,  
s. 10.

Protection of  
Inspectors.  
S. 15n enacted  
by 97, 1975,  
s. 10.

## PART IIA

False or misleading information.  
S. 15o enacted by 97, 1975, s. 10.

**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.

Service of notices, etc.  
S. 15p enacted by 97, 1975, s. 10.

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

Relation of this Part to other Acts.  
S. 15q enacted by 97, 1975, s. 10.

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

## PART III

## PART III

## MISCELLANEOUS

Moneys required for the purposes of this Act.

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

Para. (a) substituted by 97, 1975, s. 11.

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

or

Para. (b) substituted by 97, 1975, s. 11.

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

Audit.  
Subsec. (1) amended by 97, 1975, s. 12.

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

(2) The provisions of section 41 of the Audit Act, 1921-1973<sup>1</sup>, shall apply and have effect as if the Authority were a public corporation referred to in that section.

Annual report.  
Subsec. (1) amended by 97, 1975, s. 13.

**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 under this Act of the Authority during the twelve months preceding that day.

(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.

Summary Proceedings.

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

Regulations.

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

<sup>1</sup> Now Audit Act, 1921-1975.