



ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

No. 78 of 1981

An Act to amend the State Transport Authority Act, 1974-1981; and to repeal the Bus and Tramways Act, 1935-1978, and the Railways Act, 1936-1979.

[Assented to 19 November 1981]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "State Transport Authority Act Amendment Act (No. 2), 1981".

(2) The State Transport Authority Act, 1974-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "State Transport Authority Act, 1974-1981".

Commence-
ment.

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

Repeal of the
Bus and
Tramways Act
and the
Railways Act.

3. The following Acts are repealed:

(a) the Bus and Tramways Act, 1935-1978;

and

(b) the Railways Act, 1936-1979.

Amendment of
s. 3—
Arrangement
of Act.

4. Section 3 of the principal Act is amended—

(a) by striking out the items:

DIVISION II—POWERS AND FUNCTIONS OF THE AUTHORITY

DIVISION III—STAFF, ETC.

and substituting the items:

DIVISION II—DELEGATION

DIVISION III—FINANCIAL PROVISIONS

DIVISION IV—ANNUAL REPORT;

and

(b) by striking out the item:

PART III—MISCELLANEOUS

and substituting the items:

PART III—POWERS AND FUNCTIONS OF THE
AUTHORITY

DIVISION I—GENERAL FUNCTIONS OF THE AUTHORITY

DIVISION II—ACQUISITION OF LAND

DIVISION III—POWER OF AUTHORITY TO CARRY OUT WORKS

DIVISION IV—PUBLIC TRANSPORT ROUTES, ETC.

DIVISION V—FACILITIES FOR REFRESHMENT AND RECREATION

PART IV—MISCELLANEOUS

5. Section 4 of the principal Act is repealed and the following section is substituted:

Repeal of
of s. 4 and
substitution of
new section.

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

Interpretation.

“the Authority” means the State Transport Authority established under Part II:

“the Chairman” means the Chairman of the Authority:

“goods” includes animals:

“member” of the Authority includes the Chairman:

“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.

6. Section 5 of the principal Act is amended by inserting after subsection (3) the following subsection:

Amendment of
s. 5—
Establishment,
etc., of the
Authority.

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

Repeal of headings and ss. 12, 13, 14, 14a and 15 and substitution of new Divisions.

7. Sections 12, 13, 14, 14a and 15, and the headings immediately preceding sections 12 and 15 of the principal Act are repealed and the following Divisions are inserted after section 11 of the principal Act:

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 shall be revocable at will and shall 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 moneys provided by Parliament, make grants to the Authority for the purpose of enabling or assisting it to carry out its functions under this Act.

Borrowings.

14. (1) The Authority may borrow money from the Treasurer, or with the consent of the Treasurer, from any other person.

(2) A liability incurred with the consent of the Treasurer under subsection (1) is guaranteed by the Treasurer.

(3) A liability under a guarantee arising by virtue of subsection (2) shall be satisfied out of the General Revenue of the State which is, to the necessary extent, appropriated.

Accounts and audit.

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

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

DIVISION IV—ANNUAL REPORT

General report.

16. (1) The Authority shall, on or before the thirty-first day of October in each year, submit a report to the Minister on the work of the Authority and the administration of this Act during the period of twelve months that ended on the preceding thirtieth day of June.

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

(3) The Minister shall, as soon as practicable after his receipt of a report under this section, cause copies of the report to be laid before both Houses of Parliament.

Repeal of Part III and substitution of new Parts.

8. Part III of the principal Act is repealed and the following Parts are substituted:

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 as such subject to the provisions of the Public Service Act, 1967-1981.

(5) A person who was, immediately before the commencement of the State Transport Authority Act Amendment Act (No. 2), 1981, employed by the Authority under the Bus and Tramways Act, 1935-1978, or the Railways Act, 1936-1979, shall, subject to this Act, continue as an employee of the Authority as if he had been employed under this section.

(6) Subsection (5) does not affect the conditions of service of any employee of the Authority, or the existing or accruing rights of any such employee in respect of his employment.

DIVISION II—ACQUISITION OF LAND

18. The Authority may, subject to and in accordance with the Land Acquisition Act, 1969-1972, acquire land that is required for the establishment, extension or alteration of a public transport system.

Acquisition of land.

DIVISION III—POWER OF AUTHORITY TO CARRY OUT WORKS

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

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

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

Works in relation to public streets and roads.

(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 shall 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 shall, at least twenty-eight 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.

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.

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 shall, 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 shall consult with the relevant road maintenance authority and shall take into account the views of that road maintenance authority.

DIVISION V—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.

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

Public transport routes.

Facilities for refreshment and recreation.

(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

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

Hindering
employees of
the Authority

Penalty: Five hundred dollars.

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

Damage or
defacement of
property of the
Authority.

Penalty: Five hundred dollars.

(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.

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

Disorderly or
offensive
behaviour.

Penalty: Five hundred dollars.

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

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

Penalty: One thousand dollars.

27. A person shall not—

(a) avoid or attempt to avoid payment of any fare or charge payable for a service provided by the Authority;

or

(b) exercise any artifice calculated to avoid payment of any fare or charge payable for a service provided by the Authority.

Avoidance of
fares and
charges.

Penalty: Five hundred dollars.

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

Dangerous or
offensive goods.

(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: Five hundred dollars.

(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, he 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) shall comply with the requirement.

Penalty: Five hundred dollars.

Summary proceedings.

29. (1) Proceedings in respect of offences under this Act shall be disposed of summarily.

(2) Where it is alleged that a person has committed an offence against this Act, the Authority may give to that person, personally or by post, a notice to the effect that he may expiate the offence by payment to the Authority of an amount (being an amount fixed by regulation) within a time fixed in the notice and, if the offence is so expiated, no proceedings shall be commenced in a court in respect of the alleged offence.

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) prescribe, and provide for payment of, fares or charges for services provided by the Authority;
- (b) provide for concessional fares or charges, or exemption from fares or charges, in prescribed cases, or cases of a prescribed class;
- (c) regulate the conduct of persons while in vehicles or upon property of the Authority;
- (d) provide that provisions of the Licensing Act, 1967-1980 (including provisions as to penalty) shall apply *mutatis mutandis* and with prescribed modifications, to or in relation to the sale, supply or consumption of liquor at places at which the Authority sells or supplies liquor;
- (e) regulate the duties and conduct of employees of the Authority;
- (f) regulate, restrict or prohibit the admission of the public to vehicles or premises of the Authority;

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- (g) impose conditions relating to the carriage of passengers' luggage;
 - (h) provide for the disposal of unclaimed goods;
 - and
 - (i) prescribe penalties, not exceeding five hundred dollars, for breach of, or non-compliance with, any regulation.

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

K. D. SEAMAN, Governor