

STATE TRANSPORT CO-ORDINATION.

No. 91 of 1966.

AN ACT to make better provision for the Direction and Co-ordination of Transport, to repeal certain Acts and for incidental and other purposes.

[Assented to 12th December, 1966.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

- Short title.** 1. This Act may be cited as the *State Transport Co-ordination Act, 1966.*
- Commencement.** 2. This Act shall come into operation on a date to be fixed by proclamation.
- Repeals.** 3. The Acts set forth in the Schedule to this Act are repealed.

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

“Board” means the Transport Users’ Board constituted under section fifteen;

“Council” means the Transport Advisory Council constituted under section ten;

“Director General” means the Director General of Transport constituted under section five;

“section” means a section of this Act;

“State Government Department” includes any department established under the Public Service Act, 1904, State trading concern, State instrumentality, State public utility and any person or body, whether corporate or unincorporate, that, under any Act of the State, administers or carries on a public social service or public utility for the benefit of the State;

“transport service” means any service for the carriage of passengers or goods, whether by road, rail, water or air.

5. (1) For the purposes of this Act, there shall be a Director General of Transport who shall be appointed, and hold office, as provided by section six. Director
General of
Transport.

(2) The Director General is responsible, subject to the general control of the Minister, for the administration of this Act.

6. (1) The Director General—

(a) shall be appointed by the Governor for such period, not exceeding seven years, as the Governor determines, but is eligible for re-appointment;

(b) shall, subject to the succeeding provisions of this section, hold office for the term for which he is appointed; and

(c) shall be paid such salary and allowances as the Governor may, from time to time determine.

Appointment
and removal
of Director
General.

(2) Where the Director General—

- (a) resigns, and his resignation is accepted by the Governor, or, having attained the age of sixty-five years, retires, or dies;
- (b) becomes of unsound mind or is declared, under any law relating to mental health, as being incapable of managing his affairs; or
- (c) becomes physically incapacitated to the extent of being unable to carry out the duties of his office,

his office becomes vacant.

(3) Where the Director General—

- (a) is absent from his duties for a period of at least one month, without the leave of the Minister;
- (b) becomes bankrupt, avails himself, as a debtor, of any law for the relief of bankrupt debtors or compounds with his creditors;
- (c) without the consent of the Minister, participates, or claims to be entitled to participate, in any profit, commission, benefit or emolument arising directly or indirectly from any contract or agreement made by, or on behalf of the Crown, whether the profit, commission, benefit or emolument is that of, or is derived by, a party to the contract or agreement or not; or
- (d) is guilty of misbehaviour,

the Governor may suspend him from office and the Minister shall, thereupon, cause a full statement of the grounds for the suspension to be laid before each House of Parliament, within six sitting days of the House next following the suspension.

(4) If each House of Parliament resolves, within twenty-one sitting days after the day on which a statement has been laid before it pursuant to subsection (3) of this section, that the Director General is to be restored to office, his suspension is terminated and he shall be restored accordingly, otherwise the Governor may remove him from office.

(5) Unless the Governor otherwise directs, the Director General is entitled to remuneration in respect of the period of his suspension.

(6) The Director General shall not be removed from office, except as provided by this section.

7. Where the person appointed Director General is an officer within the meaning of the Public Service Act, 1904, or an officer of a State Government Department, the appointment does not affect the operation of that or any other Act that may apply to that person, as such an officer, or his rights under them or any of them.

Rights of officer of the Public Service or Government Department appointed Director General.

8. The Minister may grant leave of absence to the Director General, upon such terms and conditions as to the payment of salary and allowances and otherwise as the Minister may determine.

Leave of absence.

9. In the case of the illness, absence or suspension of the Director General, the Governor may appoint an ex officio member of the Council to act as Director General during the illness, absence or suspension and the member, while so acting, has all the powers, and shall perform all the duties, of the Director General.

Appointment of person to act as Director General.

10. (1) A body called the Transport Advisory Council is constituted as provided by this section.

Transport Advisory Council.

(2) The Council shall consist of eight members, including the Chairman.

(3) The members of the Council shall be—

(a) the Director General who shall be Chairman;

(b) each of the persons for the time being holding the statutory office of—

(i) Commissioner of Railways;

(ii) Commissioner of Main Roads;

(iii) Commissioner of Transport;

- (iv) Chairman of the Metropolitan (Perth) Passenger Transport Trust; and
 - (v) Chairman of the Western Australian Coastal Shipping Commission, each by virtue of his office; and
 - (c) two persons appointed by the Governor, to hold office during his pleasure.
- (4) Of the two persons mentioned in paragraph (c) of subsection (3) of this section—
- (a) one shall be nominated by the Minister, from a panel of the names of three persons submitted by the body known as the West Australian Road Transport Association; and
 - (b) one shall be nominated by the Minister, from a panel of names comprising the names of three persons submitted by each person operating a regular air transport service, on scheduled and approved routes.
- (5) The Minister shall, as the occasion requires, by notice in writing to the secretary of the body mentioned in paragraph (a) or of each person such as is mentioned in paragraph (b), of subsection (4) of this section, require the body or person to submit a panel of names or three names (as the case may be), as therein provided, within such period of not less than one month as may be stipulated in the notice and if, upon the expiration of the period so stipulated, or within such extension of the period as the Minister may grant, he has not received the required submission, the Minister shall, having regard to the nature of the interest that the nominee is to represent, nominate such person as he thinks fit.

Substitute
members of
Council.

11. (1) An *ex officio* member of the Council may, with the consent of the Minister from time to time, appoint a person, being, in the case of—

(a) the Commissioner of Railways, a senior administrative officer of the Railways Department;

- (b) the Commissioner of Main Roads, the Assistant Commissioner of Main Roads;
- (c) the Commissioner of Transport, the Deputy Commissioner of Transport;
- (d) the Chairman of the Metropolitan (Perth) Passenger Transport Trust, a member of that Trust; and
- (e) the Chairman of the Western Australian Coastal Shipping Commission, a member of that Commission,

to act as a member of the Council in his stead, for such occasion, or such period, as the Minister may approve.

(2) The Minister may, at any time and from time to time, nominate a person from the panel of names submitted under paragraph (a), or under paragraph (b), of subsection (4) of section ten, whichever is appropriate in the circumstances, to be a substitute member of the Council, to act in the absence, and exercise the powers, of him who is appointed under paragraph (c) of subsection (3) of that section; and the Governor may appoint a person so nominated to be a substitute member of the Council, for that purpose.

(3) The appointment of a substitute member under this section and anything done by a substitute member shall not be questioned on the ground that the occasion for his appointment, or his acting as a member, had not arisen or, having arisen, no longer existed at the material time.

12. The two members of the Council appointed under paragraph (c) of subsection (3) of section ten are entitled to such fees and expenses, in respect of attendances at meetings of, or while engaged in the business of, the Council, as the Governor may from time to time determine.

Remuneration of two members of Council.

13. (1) The Council shall meet on such occasions as the Chairman or any two members may require.

Meetings.

(2) The Council may meet in divisions comprising the Chairman and at least two other members, according to the requirement of the Chairman who shall, in convening a meeting of a division, have regard to the nature of the business, and the members interested in the business, to be conducted at that meeting.

Proceedings.

14. (1) The Council shall conduct its proceedings in such manner as it may determine, but, in any event,—

- (a) three members shall constitute a quorum for the conduct of business; and
- (b) where the Chairman is unable to preside at a meeting, he shall, by notice in writing, advise the meeting of that circumstance and, by the notice, appoint a member to preside in his stead; and that member shall preside, accordingly.

(2) The Council may act and exercise all of its powers, notwithstanding any vacancy in membership, and no act or proceeding shall be invalid by reason only of there being a vacancy in membership at the time of the act or proceeding.

Transport
Users'
Board.

15. (1) A body called the Transport Users' Board is constituted as provided by this section.

(2) The Board shall consist of five members, including the Chairman.

(3) Subject to section twenty, the members of the Board shall be—

- (a) the Director General who shall be Chairman;
- (b) four persons appointed by the Governor, on the nomination of the Minister, to hold office for three years.

(4) The four persons nominated by the Minister for the purposes of paragraph (b) of subsection (3) of this section shall be persons who, in his opinion.

are capable of assessing the financial and economic effect on transport users of any proposed or existing transport policy and of whom two are, in his opinion, particularly versed in the transport needs of rural industries.

(5) Notwithstanding the foregoing provisions of this section, the four persons who, on the coming into operation of this Act, hold office as members of the Transport Advisory Board constituted under the State Transport Co-ordination Act, 1933, having been appointed under paragraph (b) of subsection (1) of section five of that Act, are deemed to have been appointed members of the Board, under subsection (3) of this section, and each shall hold office for the portion of the term for which he was appointed a member of the Transport Advisory Board that is unexpired on the coming into operation of this Act.

16. The provisions of section twelve apply, *mutatis mutandis*, to the members of the Board appointed under paragraph (b) of subsection (3), or holding office under subsection (5), of section fifteen.

Remuneration of four members of Board.

17. Where a member of the Board dies or resigns, his office is vacated, and a member is deemed to have vacated his office, if—

Vacation of office of member of Board.

- (a) he becomes of unsound mind or is declared, under any law relating to mental health, as being incapable of managing his affairs;
- (b) he becomes physically incapacitated to the extent of being unable to carry out the duties of his office;
- (c) without the consent of the Minister, he absents himself from three consecutive meetings of the Board of which he has had due notice;
- (d) he becomes bankrupt, avails himself, as a debtor, of any law for the relief of bankrupt debtors or compounds with his creditors;

- (e) without the consent of the Minister, he participates, or claims to be entitled to participate, in any profit, commission, benefit or emolument arising directly or indirectly from any contract or agreement made by, or on behalf of, the Crown, whether the profit, commission, benefit or emolument is that of, or is derived by, a party to the contract or agreement or not;
or
- (f) he is guilty of misbehaviour.

Meetings of Board.

18. The Board shall meet on such occasions as the Chairman or any two members may require; but, except on the requisition of the Chairman, a meeting shall not be convened more than once in any month.

Filling of vacancies.

19. Where, from any cause, a vacancy occurs on the Board, the vacancy shall be filled by the appointment of a member, as provided by section fifteen.

Proceedings of the Board.

20. The Board shall conduct its proceedings in such manner as it may determine, but, in any event,—

- (a) three members shall constitute a quorum for the conduct of business;
- (b) all questions shall be determined by a majority of the votes of the members present, and, where there is an equality of votes, the question is determined in the negative;
- (c) each member, including the Chairman, is entitled to one vote only on the determination of any question; and
- (d) in the absence of the Chairman at any meeting, the Commissioner of Transport shall act as chairman and hold office as a member, at that meeting.

21. (1) The Director General is charged with the duty of—

Duties of
Director
General.

- (a) recommending to the Minister transport policy or changes in transport policy and measures for achieving policy objectives and the co-ordination of the various forms of transport service;
- (b) overseeing the implementation of such of the policies and measures mentioned in paragraph (a) of this subsection, as may, from time to time, be approved by the Minister;
- (c) making provision for, and supervising, research in transport planning and operation and in the economics of every form of transport;
- (d) collating and co-ordinating capital works programmes for public transport services and justifying such expenditure thereon as is, in his opinion, warranted and recommending times for the commencement and completion of those programmes;
- (e) investigating, and inquiring into, existing transport services, for the purpose of—
 - (i) ascertaining the need of, and priorities for, the investment therein of public moneys;
 - (ii) determining the adequacy of the service provided to any section of the community or available for any industrial or economic development; and
 - (iii) ensuring the impartial and equitable treatment of conflicting interests;
- (f) recommending to the Minister the provision of road transport services or additional road transport services for areas that are not, or are not adequately, served by that or any other form of transport service, the routes to be followed by that transport service and

the calling of tenders, the invitation of premiums or the provision of subsidies for the establishment of that transport service;

- (g) examining, and reporting to the Minister on, any proposal for the construction of a new railway;
- (h) recommending to the Minister the closure or partial suspension of any transport service, including a railway;
- (j) advising the Minister on the administration of—
 - (i) the Government Railways Act, 1904;
 - (ii) the Eastern Goldfields Transport Board Act, 1946;
 - (iii) the Metropolitan (Perth) Passenger Transport Trust Act, 1957;
 - (iv) the Taxi-cars (Co-ordination and Control) Act, 1963;
 - (v) the Western Australian Coastal Shipping Commission Act, 1965; and
 - (vi) the Road and Air Transport Commission Act, 1966;

and

- (k) carrying out the directions of the Minister for the general administration of this Act.

(2) Without affecting any of the foregoing provisions of this section, the Director General shall, as the Treasurer may from time to time require, report on, and make recommendations in respect of, the appropriation of moneys, the application of loan funds, and public borrowing, under, and for the purposes of, any of the Acts mentioned in paragraph (j) of subsection (1) of this section.

Powers of
Director
General.

22. (1) For the purpose of carrying out the duties imposed on him by this Act, the Director General—

- (a) may demand and obtain from any State Government Department or agency of the Crown such information as he may require touching the operation and conduct of any transport service;

- (b) has the powers, authority and protection of a Royal Commissioner, under the Royal Commissioners' Powers Act, 1902, and the provisions of that Act apply, *mutatis mutandis*, to any investigation and inquiry that he may make for the purposes of this Act.

(2) Every member of the Council and of the Board shall afford the Director General such advice and assistance as the Director General may, from time to time, require.

23. The Council is charged with the duty of formulating proposals in respect of, and making recommendations on, any matter referred to it by the Minister or the Director General or that it may bring forward of its own motion, and, for that purpose, the Director General shall afford the Council such information as he has and it may require.

Duties of Council.

24. (1) The Board is charged with the duty of considering, and, where it so resolves, of making recommendations on, any matter affecting a transport service operating in the State or touching the lack or inadequacy of a transport service, where that matter—

Duties of Board.

- (a) has been the subject of a representation made to the Board by, or on behalf of, the users, or persons who would, if the service were established, be users, of the transport service; or
- (b) appears to the Board to be such to which consideration should be given.

(2) The Director General shall, where the resolution so requires, refer a resolution of the Board to the Council and may, in any event, in his discretion, bring it to the notice of the Minister.

Appoint-
ments to
other offices.

25. (1) The Governor may appoint an assistant to the Director General and such other officers as may, in his opinion be necessary for the due administration of this Act.

(2) The Director General may, with the consent of the Minister administering any State Government Department, make use of the services of any person employed in that department for the purpose of administering this Act.

(3) Where any person appointed, or of whom the services are used, pursuant to this section is an officer within the meaning of the Public Service Act, 1904, or an officer of a State Government Department, the appointment does not affect the operation of that or of any other Act that may apply to that person, as such an officer, or his rights under them or any of them.

Tabling of
Director
General's
reports on
construction
or closure of
railways.

26. Before the second reading of a bill for the construction, or for the closure, of a railway, the Minister shall cause the report or the recommendation, as the case may be, made by the Director General in that regard, pursuant to section twenty-one, to be laid before each house of the Parliament of the State, in turn.

Annual
Report.

27. As soon as may be after the thirtieth day of June in each year following that in which the Act comes into operation, the Director General shall cause to be prepared a report containing—

- (i) statements relating to the proceedings and work of the Director General, the Council and the Board respectively, during the financial year then last preceding;
- (ii) any comments which the Director General, the Council and the Board think desirable to make relating to the administration or operation of this Act.

Such annual report shall be laid before both Houses of Parliament not later than the thirty-first day of October in each year.

28. The costs and expenses of the administration of this Act shall be paid out of the Public Account which account is, to the necessary extent, appropriated accordingly. Appropriation.

SCHEDULE.

Section 3.

Title of Act.

- Tramways Act, 1885.
 - Tramways Act Amendment Act, 1903.
 - Tramways Amendment Act, 1904.
 - Kalgoorlie Tramways Act, 1900.
 - Kalgoorlie Tramways Act, 1900, Amendment Act, 1902.
 - Kalgoorlie Tramways Act Amendment Act, 1904.
 - Kalgoorlie Road Board District Tramways Act, 1900.
 - Boulder Tramways Act, 1904.
 - Bunbury Motor-bus Service Act, 1914.
 - State Transport Co-ordination Act, 1933.
 - State Transport Co-ordination Act Amendment Act, 1938.
 - State Transport Co-ordination Act Amendment Act, 1940.
 - State Transport Co-ordination Act Amendment Act, 1946.
 - State Transport Co-ordination Act Amendment Act, 1948.
 - State Transport Co-ordination Act Amendment Act (No. 2), 1953.
 - State Transport Co-ordination Act Amendment Act, 1954.
 - State Transport Co-ordination Act Amendment Act, 1956.
 - State Transport Co-ordination Act Amendment Act (No. 3), 1959.
 - State Transport Co-ordination Act Amendment Act, 1957.
 - State Transport Co-ordination Act Amendment Act, 1961.
 - Western Australian Government Tramways and Ferries Act, 1948.
 - Western Australian Government Tramways and Ferries Act Amendment Act, 1950.
 - Western Australian Government Tramways and Ferries Act Amendment Act, 1953.
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