

# STATE TRANSPORT CO-ORDINATION.

12° and 13° GEO. VI., No. LIX.

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No. 59 of 1948.

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## AN ACT to amend the State Transport Co-ordination Act, 1933-1946.

[Assented to 21st January, 1949.]

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

1. This Act may be cited as the *State Transport Co-ordination Act Amendment Act, 1948*, and shall be read as one with the State Transport Co-ordination Act, 1933-1946 (Act No. 42 of 1933 as reprinted with amendments to and including Act No. 9 of 1940 incorporated, pursuant to the provisions of the Amendments Incorporation Act, 1938 in Volume 2 of the Reprinted Acts of the Parliament of Western Australia, 1943, and further amended by Act No. 4 of 1946), hereinafter referred to as the principal Act. Short title.

Citation of principal Act as amended by this Act.

2. The principal Act as amended by this Act may be cited as the State Transport Co-ordination Act, 1933-1948.

Amendment of s. 3.

3. Section three of the principal Act is amended by—
- (a) adding after the word “goods” in line five of the interpretation, “Commercial goods vehicle” the words “and includes any such vehicle so used or operated or used or intended to be used by or on behalf of the Crown for the carriage of goods for hire or reward and whether in connection with a railway or otherwise.”;
  - (b) adding after the word “fares” in line three of the interpretation, “Omnibus” the words “and includes any such vehicle or a trolley-bus so used or intended to be used by or on behalf of the Crown and whether in connection with a railway or tramway or otherwise.”;
  - (c) by deleting from the interpretation, “vehicle” the words “or a trolley-bus operated by or on behalf of the Crown” in lines six and seven.

Amendment of s. 5. Cf. s. 10, Proviso to para. (d).

4. Section five of the principal Act is amended by adding after the word “property” in subsection (1), line nine, the words “and, subject to the Minister except as provided in the proviso to paragraph (d) of section ten of this Act, shall be responsible for the administration of this Act.”

Amendment of s. 10.

5. Section ten of the principal Act is amended by adding after the word “tenders” in paragraph (d), line fourteen, a proviso as follows:—

Provided that when an application for a new license is made by or on behalf of the Crown the Board shall exercise the powers conferred upon it by the provisions of this section.

Amendment of s. 15.

6. Section fifteen of the principal Act is amended by—
- (a) inserting before the word “There” in line one the figure one in brackets thus (1);

(b) adding after the word "Schedule" in the last line of paragraph (b) subsections as follows:—

(2) The Board may at any time vary the fee determined by it for any license.

(3) The Board may refund the whole or any part of any license fee paid in respect of any commercial goods vehicle where the vehicle has not been operated in the manner or to the extent contemplated when the license was issued.

(4) Subject to the provisions of this Act and notwithstanding the provisions of the Government Railways Act, 1904-1947, section seventy-nine, the Government Tramways Act, 1912-1933, section twenty and the Government Ferries Act, 1932, section nineteen, there shall be payable to the Board in respect of every omnibus and commercial goods vehicle operating or used or intended to be used pursuant to any of the provisions of those Acts, the fees referred to in the last preceding subsection.

Fees for licenses for omnibuses and commercial goods vehicles operated by or for Crown. Cf. Act No. 23 of 1904, s. 79 and Act No. 58 of 1912, s. 20, Act No. 14 of 1932, s. 19, and s. 34 post.

7. Section twenty-seven of the principal Act is amended by—

Amendment of s. 27.

(a) inserting before the word "The" in line one, the figure one in brackets thus "(1)";

(b) adding after the word "Board" in paragraph (e), line two, a subsection as follows:—

(2) The Board may add to, vary, or cancel any of the conditions attached, pursuant to the provisions of the last preceding subsection, to any omnibus license.

8. Section twenty-eight of the principal Act is repealed.

Repeal of s. 28.

9. Section twenty-nine of the principal Act is repealed and substituted by the following:—

Repeal and re-enactment of s. 29.

29. (1) A license for an omnibus may be granted for a period of not more than seven years, but the provisions of this section shall not affect the power

Power to grant omnibus licenses for period of seven years.

of the Board to grant a license temporarily for any particular purpose of limited duration.

(2) No transfer of a license for an omnibus shall be granted unless and until the Board is satisfied that no money or other consideration by way of premium or otherwise is to be paid or given for the transfer of the portion of the term of the license remaining unexpired.

Extension of radius under which vehicles may claim exemption.

10. Section thirty-four of the principal Act is amended by—

(1) substituting for the word “fifteen” wherever it appears, the word “twenty”;

(2) adding a subsection as follows:—

(4) For the purpose of paragraphs (a) and (b) of subsection one of this section, where goods are transhipped from one vehicle to another or are carried by a vehicle to a receiving depot and are carried from the place of transhipment or from that depot by another vehicle, the whole journey shall be regarded as one journey and each vehicle taking part in it shall be regarded as having undertaken the whole journey.

Staging prohibited. N.S.W. Geo. V. No. 32 of 1931. Section 18 (8).

Amendment of s. 40.

11. Section forty of the principal Act is amended by—

(a) inserting before the word “The” in line one, the figure one in brackets thus “(1)”;

(b) adding after the word “interest” in paragraph (c), line two, a subsection as follows:—

(2) The Board may add to, vary, or cancel any of the conditions attached, pursuant to the provisions of the last preceding subsection, to any commercial goods vehicle license.

Repeal of s. 41.

12. Section forty-one of the principal Act is repealed

13. Section sixty of the principal Act is amended Amendment  
of s. 60.  
by—

(a) inserting in subsection (1) after the word—

(i) “received” in paragraph (a), line two,  
the words “, otherwise than from the  
Crown,”;

(ii) “bonds” in paragraph (c), line two,  
the words “, other than those  
executed by or on behalf of the  
Crown,”;

(b) inserting the words “subject to the provisions  
of subsections (4) and (5) of this section”  
after the word “paid” in subsection (2), line  
one;

(c) adding after subsection (3), subsections as  
follow:—

(4) There shall be placed to the credit of  
a separate account in the Fund—

(a) subject to the express provisions  
of subsection (5) of section  
eleven of this Act, all moneys  
received by the Board from the  
Crown in respect of premiums  
or licenses granted pursuant to  
the provisions of this Act or  
both and for fees payable under  
those provisions;

(b) any moneys recovered by the Board  
from the enforcement of bonds  
executed for or on behalf of the  
Crown as provided for in section  
twelve of this Act.

(5) (a) For the purposes of this sub-  
section—

“administration” means the amount of  
cost of administration of this Act;

“per centage” means an amount equal  
to ten per centum of the moneys  
placed to the credit of the separate  
account in the Transport Co-  
ordination Fund;

“superannuation” means the amount of the contributions to the Superannuation Fund referred to in subsection (2) of this section;

“total” means the total amount of administration plus superannuation.

(b) The per centage shall be apportioned into two parts—

one of which shall bear the same ratio to the percentage as the administration bears to the total, and shall be applied on account of the administration; and—

the other of which shall bear the same ratio to the percentage as the superannuation bears to the total, and shall be applied on account of the superannuation.

(6) (a) For the purposes of this subsection—

“balance” means the amount of the balance, remaining at the end of any financial year, of the moneys placed to the credit of the separate account in the Transport Co-ordination Fund;

“commercial fees” means the amount of the license fees, derived from licenses issued to or on behalf of the Crown in respect of commercial goods vehicles;

“omnibus fees” means the amount of the license fees, derived from licenses issued to or on behalf of the Crown in respect of omnibuses;

“total” means the total of commercial fees and omnibus fees.

(b) At the end of the financial year the balance shall be apportioned into two parts—

one of which, shall bear the same ratio to the balance, as the omnibus fees bear to the total, and shall be applied in the same manner, as that provided for the application of the portion referred to in paragraph (a) of subsection (3) of this section; and

the other of which, shall bear the same ratio to the balance, as the commercial fees bear to the total, and shall be applied in the same manner, as that provided for the application of the portion referred to in paragraph (b) of subsection (3) of this subsection.

14. The principal Act is amended by adding after section sixty-one a section as follows:— s. 62 added.

62. (1) For the purposes of this section, "Government Department" includes a Minister of the Crown acting in his official capacity, any State Government Department, State trading concern, State instrumentality, State public utility and any other person or body, whether corporate or non-corporate, who or which, under the authority of an Act of Parliament administers or carries on for the benefit of the State any public social service or public utility.

Government  
Departments.  
Minister and  
Board to  
confer and  
co-operate  
with other  
departments.  
52 of 1945,  
s. 2.  
60 of 1943  
s. 59.

(2) Where the exercise of any rights, powers or authorities, or the discharge of any duties by the Minister or the Board may affect the exercise of any rights, powers or authorities, or the discharge of any duties by any other Government department, the Minister and the Board shall, so far as practicable, confer and co-operate with such department.

(3) Any question, difference or dispute arising, or about to arise, between the Minister or the Board and any other Government department with respect to the exercise of any rights, powers or authorities, or the discharge of any duties by any or all of them may be finally and conclusively determined by the Governor.

Amendment  
of First  
Schedule to  
exclude  
commercial  
goods vehicles  
operated by  
the Crown  
or a local  
authority and  
to include  
furniture  
carrying  
vehicles.  
Victoria  
Geo. VI. No.  
5220 section  
9.

15. The First Schedule to the principal Act is amended by—

(a) adding after the word “purposes” in paragraph six the words “other than the carriage of goods for hire or reward”;

(b) adding after paragraph three a paragraph as follows:—

3A. The carriage of bees, bee hives, honey, bees wax and beekeepers’ requisites and appliances in the course of the production of honey in a vehicle owned by the producer thereof.

(c) adding after paragraph six a paragraph as follows:—

6A. The carriage of household furniture or personal effects of a householder or a member of his family when the furniture or effects are being moved—

(a) from residence to residence;

(b) from storage to residence;

(c) from residence to storage or sale;

(d) from a vendor to the residence of the purchaser.

(d) adding after paragraph 12 a paragraph as follows:—

13. The carriage of any such goods as may, from time to time, be prescribed by regulation, if the goods are of the same or a similar kind as or to those mentioned in the preceding paragraphs of this Schedule.