



ANNO VICESIMO QUARTO

# ELIZABETHAE II REGINAE

A.D. 1975

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## No. 117 of 1975

### An Act to amend the Municipal Tramways Trust Act, 1935-1973.

[Assented to 4th December, 1975]

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 "Municipal Tramways Trust Act Amendment Act, 1975".

(2) The Municipal Tramways Trust Act, 1935-1973, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Bus and Tramways Act, 1935-1975".

**Commence-  
ment.**

2. This Act shall come into operation on the day on which the State Transport Authority Act Amendment Act, 1975, comes into operation.

**Repeal of  
long title  
of principal  
Act and  
insertion of  
long title  
in its place.**

3. The long title to the principal Act is repealed and the following long title is inserted in its place:—

An Act to provide for the operation of buses and tramways by the State Transport Authority and for other purposes.

**Amendment of  
principal Act,  
s. 2—  
Division into  
Parts.**

4. Section 2 of the principal Act is amended—

(a) by striking out the passage "The Municipal Tramways Trust" and inserting in lieu thereof the passage "State Transport Authority"; and

(b) by striking out the passage "PART VI—Liability of Metropolitan Councils:".

## 5. Section 4 of the principal Act is repealed.

Repeal of  
s. 4 of  
principal Act.

## 6. Section 5 of the principal Act is amended—

Amendment of  
principal Act,  
s. 5—  
Interpretation.

- (a) by striking out the definition of “area”;
- (b) by striking out from the definition of “carriage” in subsection (1) the word “Trust” and inserting in lieu thereof the word “Authority”;
- (c) by striking out the definitions of “clerk”, “councils of group ‘A’”, “councils of group ‘B’”, “district” and “general post office”;
- (d) by striking out from the definition of “member” in subsection (1) the word “Trust” and inserting in lieu thereof the word “Authority”;
- (e) by striking out from subsection (1) the definition of “metropolitan councils”;
- (f) by inserting in subsection (1) immediately after the definition of “road” the following definition:—  

“the Authority” means the State Transport Authority established under the State Transport Authority Act, 1974;;
- (g) by striking out the definition of “town clerk of Adelaide”;
- (h) by striking out from the definition of “tramway” in subsection (1) the word “Trust” and inserting in lieu thereof the word “Authority”;
- (i) by striking out from subsection (1) the definition of “Trust”;
- and
- (j) by striking out subsection (2).

## 7. The heading to Part II of the principal Act is repealed and the following heading is enacted and inserted in its place:—

Repeal of  
heading of  
Part II of  
principal Act  
and enactment  
of heading in  
its place.

## STATE TRANSPORT AUTHORITY

## 8. Sections 8, 9 and 10 and sections 16 to 25a (inclusive) of the principal Act are repealed and the following section is enacted and inserted in their place:—

Repeal of  
ss. 8 to 10  
and ss. 16  
to 25a of  
principal Act  
and enactment  
of section in  
their place—

8. (1) The body corporate known as the “Municipal Tramways Trust” and in existence under the Municipal Tramways Trust Act, 1935-1973, immediately before the commencement of the Municipal Tramways Trust Act Amendment Act, 1975, is hereby dissolved.

Dissolution of  
Municipal  
Tramways Trust  
and subrogation  
of Authority.

(2) All real and personal property, rights, powers, duties and liabilities of the Trust are hereby transferred to and vested in the Authority.

(3) Any proceedings commenced by or against the Trust and not finally disposed of at the commencement of the Municipal Tramways Trust Act Amendment Act, 1975, may be continued and completed by or against the Authority.

(4) A reference to the Trust in any Act, regulation, rule, by-law, order of a court, instrument, agreement or document of any kind shall be read, where the context admits, as a reference to the Authority.

(5) A reference to the person holding office as the chairman of the Trust or to a person holding office as a member of the Trust in any Act, regulation, rule, by-law, order of a court, 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.

(6) In this section "the Trust" means the Municipal Tramways Trust dissolved by this section.

Amendment of  
principal Act,  
s. 26—  
Powers of  
Authority.

9. Section 26 of the principal Act is amended—

- (a) by striking out the word "Trust", firstly occurring, and inserting in lieu thereof the passage "Authority for the purposes of this Act";
- (b) by striking out paragraphs (a), (c) and (e);
- (c) by inserting in paragraph (f) after the word "operations" the passage "under this Act";
- (d) by striking out from paragraph (f) the word "Trust" and inserting in lieu thereof the word "Authority";
- (e) by striking out from paragraph (f) the proviso to that paragraph;
- and
- (f) by striking out from paragraph (g) the word "Trust" and inserting in lieu thereof the word "Authority".

Amendment of  
principal Act,  
s. 26a—  
Audit.

10. Section 26a of the principal Act is amended—

- (a) by striking out from subsection (1) the word "Trust" and inserting in lieu thereof the passage "Authority under this Act";
- (b) by striking out from subsection (2) the word "Trust", firstly occurring, and inserting in lieu thereof the word "Authority";
- (c) by striking out from subsection (2) the word "Trust", secondly occurring, and inserting in lieu thereof the passage "Authority under this Act";
- and
- (d) by striking out from subsection (3) the word "Trust" and inserting in lieu thereof the passage "Authority under this Act".

Amendment of  
principal Act,  
s. 26b—  
Annual report.

11. Section 26b of the principal Act is amended—

- (a) by striking out the word "Trust" and inserting in lieu thereof the word "Authority";
- and
- (b) by inserting after the word "operations" the passage "under this Act".

**12.** Sections 27 and 28 of the principal Act are repealed and the following sections are enacted and inserted in their place:—

Repeal of  
ss. 27 and 28  
of principal  
Act and  
enactment of  
sections in  
their place—

Operation of  
tram systems.

**27.** (1) The Authority may—

(a) operate tram systems by trams propelled by electric energy on any tramways within the State;

and

(b) for that purpose form, lay down, make, construct, maintain, remove, alter or extend any tramway.

(2) The Authority may cease to operate trams on any tramway and re-commence the operation of trams on any such tramway.

**28.** The Authority shall have full power to fix the fares to be paid by passengers travelling on any tram of the Authority.

Fares for  
trams.

**13.** Section 29 of the principal Act is repealed.

Repeal of  
s. 29 of  
principal Act.

**14.** Sections 30 and 31 of the principal Act are repealed and the following section is enacted and inserted in their place:—

Repeal of  
ss. 30 and  
31 of  
principal Act  
and enactment  
of section in  
their place—

Powers of  
Authority in  
relation to  
passenger  
carrying  
vehicles.

**30.** The Authority—

(a) may, within the State, operate—

(i) motor omnibuses;

and

(ii) passenger carrying vehicles in consideration of a lump sum paid for the use of the vehicle;

and

(b) may, outside the State, operate passenger carrying vehicles in consideration of a lump sum paid for the use of the vehicle and as part of that operation operate the vehicle as a motor omnibus.

**15.** Section 33 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of  
s. 33 of  
principal Act.

**33.** (1) The Authority shall not commence to operate any of its motor omnibuses on any road on which any motor omnibuses have not been operated within the period of five years immediately preceding the day on which the Authority proposes to commence such operation without the consent of the road authority for that road.

Operation of  
omnibuses and  
condition of  
roads.

(2) A road authority may refuse its consent under subsection (1) of this section only on the ground that the operation of motor omnibuses on the road would cause unreasonable damage to the road.

(3) Where the road authority for a road is a body or person other than the Commissioner of Highways and that body or person refuses its consent under this section in relation to that road, the Authority may refer to the Commissioner of Highways the question whether the operation of motor omnibuses on the road would cause unreasonable damage to the road.

(4) Where the Commissioner of Highways determines pursuant to subsection (3) of this section that the operation of motor omnibuses on a road would not cause unreasonable damage to the road, the Authority may commence to operate any of its motor omnibuses on that road.

Amendment of  
principal Act,  
s. 34—  
Non-application  
of certain laws.

16. Section 34 of the principal Act is amended by striking out the passage “or licensed by the Trust” and inserting in lieu thereof the passage “by the Authority”.

Enactment of  
s. 34a of  
principal Act—

17. The following section is enacted and inserted in the principal Act immediately after the heading to Part V thereof:—

Application of  
this Part.

34a. This Part applies to and in relation to the financial affairs of the Authority in respect of its operations under this Act.

Repeal of  
s. 42 of  
principal Act.

18. Section 42 of the principal Act is repealed.

Amendment of  
principal Act,  
s. 43—  
Borrowing  
power of  
Authority.

19. Section 43 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “metropolitan councils, evidenced by certificates under their respective common seals, the Trust” and inserting in lieu thereof the passage “Treasurer, the Authority”;

and

(b) by striking out the word “Trust”, wherever it occurs, and inserting in lieu thereof the word “Authority”.

Repeal of  
Part VI of  
principal Act.

20. Part VI of the principal Act (including the heading to that Part) is repealed.

Repeal of  
ss. 80 and 81  
of principal  
Act.

21. Sections 80 and 81 of the principal Act are repealed.

Repeal of  
s. 86b of  
principal Act.

22. Section 86b of the principal Act is repealed.

Repeal of  
s. 94 of  
principal Act.

23. Section 94 of the principal Act is repealed.

Repeal of  
ss. 98 to 105 of  
principal Act.

24. Sections 98 to 105 (inclusive) of the principal Act are repealed.

Amendment of  
principal Act,  
s. 113—  
Power of entry  
by officers of  
Authority.

25. Section 113 of the principal Act is amended—

(a) by striking out the word “Trust”, wherever it occurs, and inserting in lieu thereof, in each case, the word “Authority”;

and

(b) by striking out the passage “within the radius of ten miles from the General Post Office”.

Repeal of  
s. 116 of  
principal Act.

26. Section 116 of the principal Act is repealed.

Amendments to  
principal Act.

27. Each provision of the principal Act described in the first column of the schedule to this Act is amended in the manner indicated in the second column of that schedule opposite the description of that provision.

THE SCHEDULE  
AMENDMENTS TO THE PRINCIPAL ACT

Provision Amended	How Amended
Section 32 .....	By striking out "Trust", wherever it occurs, and inserting in lieu thereof in each case "Authority".
Section 35 (1) .....	By striking out "Trust", firstly occurring, and inserting in lieu thereof "Municipal Tramways Trust". By striking out "Trust", secondly occurring, and inserting in lieu thereof "Authority".
Section 35 (2) .....	By striking out "Trust", twice occurring, and inserting in lieu thereof in each case "Authority".
Section 35 (3) .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 35 (4) .....	By striking out "Trust", wherever it occurs, and inserting in lieu thereof in each case "Authority".
Section 35 (5) .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 36 .....	By striking out "Trust", twice occurring, and inserting in lieu thereof in each case "Authority".
Section 37 .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 43a .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 48 .....	By striking out "Trust", wherever it occurs, and inserting in lieu thereof in each case "Authority".
Section 49 .....	By striking out "Trust", wherever it occurs, and inserting in lieu thereof in each case "Authority".
Section 50 .....	By striking out "Trust", wherever it occurs, and inserting in lieu thereof in each case "Authority".
Section 51 .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 53 .....	By striking out "Trust", twice occurring, and inserting in lieu thereof in each case "Authority".
Section 54 .....	By striking out "Trust", wherever it occurs, and inserting in lieu thereof in each case "Authority".
Section 55 .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 56 .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 57 (1) .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 57 (2) .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 57 (3) .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 57 (4) .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 57 (5) .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 57 (6) .....	By striking out "Trust", wherever it occurs, and inserting in lieu thereof in each case "Authority".
Section 57 (7) .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 57 (8) .....	By striking out "Trust", twice occurring, and inserting in lieu thereof in each case "Authority".
Section 57 (9) .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 58 (1) .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 58 (2) .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 58 (3) .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 58 (4) .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 59 .....	By striking out "Trust", wherever it occurs, and inserting in lieu thereof in each case "Authority".

THE SCHEDULE—*continued*

Provision Amended	How Amended
Section 60 .....	By striking out "Trust", wherever it occurs, and inserting in lieu thereof in each case "Authority".
Section 61 .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 65 .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 66 .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 67 .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 68 .....	By striking out "Trust", wherever it occurs, and inserting in lieu thereof in each case "Authority".
Section 73 .....	By striking out "Trust", twice occurring, and inserting in lieu thereof in each case "Authority".
Section 74 .....	By striking out "Trust", twice occurring, and inserting in lieu thereof in each case "Authority".
Section 75 .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 77 .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 79 .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 82 .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 87 (1) .....	By striking out "Trust", twice occurring, and inserting in lieu thereof in each case "Authority".
Section 87 (2) .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 88 .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 89 .....	By striking out "Trust", wherever it occurs, and inserting in lieu thereof in each case "Authority".
Section 90 .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 91 .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 92 .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 93 .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 95 (1) .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 96 .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 97 .....	By striking out "Trust", twice occurring, and inserting in lieu thereof in each case "Authority".
Section 106 .....	By striking out "Trust", wherever it occurs, and inserting in lieu thereof in each case "Authority".
Section 107 (1) .....	By striking out "Trust", wherever it occurs, and inserting in lieu thereof in each case "Authority".
Section 109 .....	By striking out "Trust", wherever it occurs, and inserting in lieu thereof in each case "Authority".
Section 110 .....	By striking out "Trust", wherever it occurs, and inserting in lieu thereof in each case "Authority".
Section 111 .....	By striking out "Trust", wherever it occurs, and inserting in lieu thereof in each case "Authority".
Section 112 .....	By striking out "Trust" and inserting in lieu thereof "Authority".
Section 114 .....	By striking out "Trust", wherever it occurs, and inserting in lieu thereof in each case "Authority".
Section 115 .....	By striking out "Trust", wherever it occurs, and inserting in lieu thereof in each case "Authority".

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

M. L. OLIPHANT, Governor