



ANNO TRICESIMO OCTAVO

# ELIZABETHAE II REGINAE

A.D. 1989

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No. 6 of 1989

An Act to amend the State Transport Authority Act, 1974.

[Assented to 9 March 1989]

The Parliament of South Australia enacts as follows:

## Short title

1. (1) This Act may be cited as the *State Transport Authority Act Amendment Act, 1989*.
- (2) The *State Transport Authority Act, 1974*, is in this Act referred to as "the principal Act".

## Commencement

2. (1) This Act will come into operation on a day to be fixed by proclamation.
- (2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

## Disclosure of interest

3. Section 11 of the principal Act is amended by striking out from subsection (2) "Five hundred dollars" and substituting "Division 6 fine".

## General functions of the Authority

4. Section 17 of the principal Act is amended by striking out subsections (4), (5) and (6) and substituting the following subsections:
  - (4) An employee of the Authority is not a Public Service employee.
  - (5) The Authority has power to acquire, hold, deal with and dispose of—
    - (a) an interest in a strata unit or a strata corporation;
    - or
    - (b) securities issued by a body corporate,
 but no other shares or interests in the capital of a body corporate.
  - (6) The Authority cannot acquire any security issued by a body corporate except with the prior approval of the Governor.

## Repeal of s. 18 and substitution of new section

5. Section 18 of the principal Act is repealed and the following section is substituted:

**Acquisition of land**

18. The Authority may, subject to and in accordance with the *Land Acquisition Act, 1969*, acquire land—

(a) for the establishment, extension or alteration of a public transport system;

or

(b) for any incidental or related purpose.

**Repeal of heading and substitution of new heading and section**

6. The heading immediately preceding section 23 is repealed and the following heading and section are substituted:

**DIVISION V—INCIDENTAL FACILITIES****Car parks**

22a. Where it is, in the opinion of the Authority, desirable to provide a car park for the convenience of those who make use of a public transport system, the Authority may construct and operate a car park or it may arrange for the establishment and operation of a car park by some other person.

**Hindering employees of the Authority**

7. Section 24 of the principal Act is amended by striking out “Five hundred dollars” and substituting “Division 8 fine”.

**Repeal of s.27 and substitution of new sections**

8. Section 27 of the principal Act is repealed and the following sections are substituted:

**Payment of fares and charges**

27. (1) A person for whom a service is provided by the Authority and who does not pay the appropriate fare or charge fixed under this Act for that service is guilty of an offence.

Penalty: Division 9 fine.

(2) In proceedings for an offence against subsection (1), an allegation that a particular service, described in the complaint, was provided for the defendant will be accepted as proved in the absence of proof to the contrary.

(3) If in proceedings for an offence against subsection (1) it is established that a particular service was provided and that the appropriate fare or charge was not paid, it is a defence to prove—

(a) that the failure to pay the appropriate fare or charge was attributable to an honest and reasonable mistake on the defendant's part;

or

(b) that the defendant did not have a reasonable opportunity to pay the appropriate fare or charge.

**Obstruction of public transport system**

27a. (1) A person must not—

(a) throw or place any object that might impede the free passage of a vehicle operated by the Authority on the track or path of such a vehicle;

(b) interfere with any equipment necessary for the safe operation of a public transport system operated by the Authority;

or

- (c) obstruct or impede in any other manner the proper operation of a public transport system operated by the Authority.

Penalty: Division 5 fine.

(2) This section does not derogate from a criminal liability that may arise apart from this section.

(3) Where an object on the track or path of a vehicle operated by the Authority may impede the free passage of that vehicle, an employee of the Authority may take any action reasonably necessary to have the object removed.

#### **Proceedings for offences**

27b. (1) The offences constituted by this Act are summary offences.

(2) Where a person is alleged to have committed an offence against this Act, the Authority may give to that person, personally or by post, a notice to the effect that he or she may expiate the offence by payment of an expiation fee fixed by regulation within a period fixed in the notice and, if the offence is so expiated, no prosecution will be commenced in a court in respect of the alleged offence.

(3) The Authority—

(a) has a discretion to extend the period fixed for payment of an expiation fee; and

(b) may, in appropriate cases, reduce the amount of the expiation fee.

#### **Repeal of s. 29**

9. Section 29 of the principal Act is repealed.

#### **Regulations**

10. Section 31 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) Without limiting the generality of subsection (1), those regulations may—

(a) regulate the conduct of persons—

(i) in vehicles or on property of the Authority;

or

(ii) on or in any land, building or structure associated with a public transport system;

(b) provide that provisions of the *Liquor Licensing Act, 1985*, will apply, with such modifications as may be prescribed, to or in relation to the sale, supply or consumption of liquor at places at which the Authority sells or supplies liquor;

(c) regulate the duties and conduct of employees of the Authority;

(d) regulate, restrict or prohibit admission to vehicles, land or premises associated with a public transport system;

(e) fix, and provide for the payment of, fares and charges (including concessional fares and charges) for services provided by the Authority;

(f) regulate, restrict or prohibit the carriage of passengers' luggage;

(g) provide for—

(i) the removal of goods left or abandoned on premises or property of the Authority;

(ii) the disposal of unclaimed goods;

and

(h) prescribe fines, not exceeding a division 9 fine, for breach of, or non-compliance with, any regulation.

## THE SCHEDULE

The principal Act is further amended as follows:

Section Amended	How Amended
Section 2	Section 2 is repealed.
Section 3	Section 3 is repealed.
Section 4	Definition of "member"— Delete this definition.
Section 5 (2)	Delete this subsection and substitute: (2) The Authority— (a) is a body corporate; (b) has full juristic capacity to exercise any powers that are by their nature capable of being exercised by a body corporate; and (c) holds its property on behalf of the Crown.
Section 6	Delete this section and substitute: <b>Membership of the Authority</b> 6. (1) The Authority consists of eight members appointed by the Governor on the nomination of the Minister. (2) The Governor— (a) will appoint a member of the Authority to be Chairman of the Authority; and (b) may appoint another member (or some other suitable person) to be Deputy Chairman of the Authority.
Section 7 (1a)	Delete this subsection.
Section 7 (4) (b)	After "incapacity" insert "to carry out official duties satisfactorily".
Section 7 (6)	Delete this subsection and substitute: (6) On the office of a member of the Authority becoming vacant, a person will be appointed in accordance with this Act to the vacant office.
Section 9 (2)	Delete this subsection and substitute: (2) Any five members constitute a quorum of the Authority and no business will be transacted at a meeting of the Authority unless a quorum is present.
Section 9 (5)	Delete "shall have" and substitute "is entitled to".
Section 10 (2)	Delete this subsection and substitute: (2) No liability attaches to a member of the Authority for an act or omission by the member or the Authority, in good faith, in the exercise or discharge or purported exercise or discharge of powers, duties or functions under this Act or any other Act. (3) A liability that would, but for subsection (2), lie against a member of the Authority, lies against the Crown.
Section 14	Section 14 is repealed.
Section 16 (1)	Delete "shall, on or before the thirty-first day of October" and substitute "must, no later than 30 September". Delete "period of twelve months that ended on the preceding thirtieth day of" and substituting "financial year that ended on the preceding 30".
Section 16 (3)	Delete "shall, as soon as practicable after his" and substitute "must, within 12 sitting days of".

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

D. B. DUNSTAN, Governor