

STATE TRANSPORT CO-ORDINATION.

3° Elizabeth II., No. LXVIII.

No. 68 of 1954.

AN ACT to amend the State Transport Co-ordination Act, 1933-1953.

[Assented to 30th December, 1954.]

BE it enacted by the Queen'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. (1) This Act may be cited as the *State Transport Co-ordination Act Amendment Act, 1954.*

Short title
and citation.

(2) In this Act the State Transport Co-ordination Act, 1933-1953,

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

Reprinted in
Vol. 2 of the
Reprinted
Acts, 1943.

Incorporation Act, 1933, and as further amended by Acts Nos. 4 of 1946, 59 of 1948 and 83 of 1953, and as affected by Act No. 34 of 1949, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the State Transport Co-ordination Act, 1933-1954.

S. 2
amended.

2. Section two of the principal Act is amended by adding before the Part heading, "PART IV.—MISCELLANEOUS." the Part heading, "PART IIIA.—OPERATION OF VEHICLES IN THE COURSE OF INTERSTATE TRADE, INTERCOURSE, OR COMMERCE".

S. 3
amended.

3. Section three of the principal Act is amended by adding after the interpretation, "Goods" the following interpretation:—

"interstate vehicle" means a vehicle operated in the course of interstate trade, intercourse, or commerce.

S. 4
amended.

4. Section four of the principal Act is amended—
(a) by adding after the section designation, "4" the subsection designation, "(1)"; and
(b) by adding the following subsection:—

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, Parts I., II., III., and IV. of this Act shall be construed in relation to interstate vehicles, as subject to Part IIIA. of this Act.

Part IIIA.
added.

5. The principal Act is amended by adding after the word, "aircraft" being the last word in section forty-seven the following Part heading and sections:—

PART IIIA.—OPERATION OF VEHICLES IN THE COURSE OF INTERSTATE TRADE, INTERCOURSE, AND COMMERCE.

Application
of this Part.

47A. The provisions of this Part apply in respect of interstate vehicles.

47B. A license is required for an interstate vehicle operating on a road in the State.

Interstate vehicles required to be licensed.

47C. Applications for licenses for interstate vehicles may be made in manner prescribed.

Applications for licenses.

47D. The Board may establish depots, whether in the State or elsewhere, for the purposes of this Part in order that applications may be made at depots so established for licenses for interstate vehicles.

Board may establish depots to receive applications for licenses.

47E. (1) For the purposes of this Part, the Board may, in relation to a matter or class of matter, delegate, to a member of the Western Australian Police Force where one is conveniently available in accordance with the regulations, all or any of their powers and functions under this Act, except this power of delegation, so that the powers and functions delegated may be exercised by the delegate, whether in the whole or a part of the State or elsewhere in accordance with the delegation.

Board may delegate its powers.

(2) A delegation under this section is revocable at the will of the Board and does not prevent the exercise by the Board of their powers and functions under this Act.

(3) Where, by the provisions of this Act, the exercise of a power, or the discharge of a function by the Board; or the effective operation of a provision of this Act,

is dependent

upon the Board being of a certain state of mind, whether it be that they think certain matters fit, or are of a certain opinion, or are satisfied as to certain matters, or otherwise

and the Board has, under this section, delegated the exercise of the power or the discharge of the function to a delegate, the delegate, if he is of that state of mind, may exercise the power or discharge the function, and the provision of the Act becomes effectively operative, as if his state of mind were that of the Board.

Consideration of applications for licenses.

47F. (1) The Board, where the application is made to the Board, or its delegate, where the application is made to its delegate, shall consider the application and have regard to—

- (a) the character, fitness, and experience, of the applicant;
- (b) the suitability of the interstate vehicle for the purpose for which it is proposed to be so operated;
- (c) the condition and suitability of the road or roads on which it is proposed to operate the interstate vehicle; and
- (d) the number and types of other vehicles using the roads on which it is proposed to operate the interstate vehicle.

(2) The Board or the delegate, as the case may be, shall refuse an application in any case where satisfied that—

- (a) the applicant is not of good character, or has not the necessary fitness or experience; or
- (b) the interstate vehicle is not suitable or fit for the purpose for which it is proposed to be used.

(3) The Board or the delegate, as the case may be, may refuse the application where satisfied that to grant the license authorising the operation of the interstate vehicle on any road in the State on which it is proposed to operate such vehicle would endanger public safety.

(4) Subject to subsections (1), (2) and (3) of this section the Board or the delegate, as the case may be, shall grant the application but may—

- (a) impose conditions reasonably necessary for the preservation of public safety, the regulation of traffic, and the preservation and maintenance, and use and enjoyment by the public, of the roads; and

- (b) require payment of a reasonable charge (at a rate not exceeding similar charges for intrastate vehicles) for operating the interstate vehicle on the roads over which it travels in the State and the cost of administration.

(5) The amounts collected as charges required under subsection (4) of this section shall be paid into a separate account in the Fund mentioned in section sixty of this Act and applied towards the maintenance and improvement of the roads on which the interstate vehicles operate and shall be divided equitably among the various statutory authorities concerned in the maintenance and improvement of those roads.

(6) There shall be an appeal to a Stipendiary Magistrate against the decision of the Board or its delegate in refusing to grant the application or against any condition imposed or payment required. In relation to any such appeal the provisions of subsection (2) of section twenty-five shall apply with the necessary modifications.

47G. Fees paid under and in accordance with the provisions of this Act prior to the coming into operation of the State Transport Co-ordination Act Amendment Act, 1954, are irrecoverable. Indemnification.

47H. For the purposes of this Part section fifty-two of this Act applies to an interstate vehicle except while operating on any part of a road in the State between the point of entry of the vehicle into the State and the depot established under this Part in the State nearest that point of entry. Application of s. 52.

47I. The provisions of this Part shall continue in operation until the thirty-first day of October, one thousand nine hundred and fifty-five and no longer.