

**ACTS AMENDMENT AND
REPEAL (TRANSPORT
CO-ORDINATION).**

No. 54 of 1985.

AN ACT to amend the Transport Act 1966 and certain other Acts to make better provision for the co-ordination of transport in this State and to repeal the State Transport Co-ordination Act 1981.

[Assented to 28 October 1985.]

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:—

PART I—PRELIMINARY.

1. This Act may be cited as the *Acts Amendment and Repeal (Transport Co-ordination) Act 1985.*

Short title
and principal
Act.

Commence-
ment.

2. The provisions of this Act shall come into operation on such day or days as is or are fixed by proclamation.

PART II—TRANSPORT ACT 1966.

Principal Act.
Reprinted as
approved 19
July 1983.

3. In this Part the Transport Act 1966 is referred to as the principal Act.

Long title
substituted.

4. The long title of the principal Act is repealed and the following substituted—

“ An Act to provide for the co-ordination, planning and advancement of all forms of transport in this State, to provide for the review, control and licensing of transport services and to provide for the licensing of certain persons who carry on the business of selling petroleum products and for incidental and other purposes. ”.

Short title
substituted.

5. Section 1 of the principal Act is amended by repealing the short title and substituting the following short title—

“ Transport Co-ordination Act 1966 ”.

Section 3
inserted.

6. The principal Act is amended by inserting after section 2 the following section—

Objects
of this Act.

“ 3. The objects of this Act are—

(a) to provide for the co-ordination of the resources used for the provision of transport services for the people of this State and for the development of this State;

(b) to ensure that the people of this State are provided, as far as is practicable, with reliable, efficient and economic transport services;

- (c) to provide for the rationalization and control of transport services by means of licensing and other measures wherever such measures contribute to the provision of reliable, efficient and economic transport services;
- (d) to provide for the reduction or elimination of controls imposed under this Act wherever practicable to ensure that transport services provided are reliable, efficient and economic for the people of this State;
- (e) to facilitate the formulation of policies relating to the provision of transport services. ”.

7. Section 4 of the principal Act is amended— Section 4 amended.

- (a) by deleting the definitions of “Commissioner” and “Deputy Commissioner”;
- (b) by inserting before the definition of “goods” the following definitions—

“Department” means the department of the Public Service of the State principally assisting the Minister with the administration of this Act;

“Deputy Director General” means the Deputy Director General of Transport referred to in section 8;

“Director General” means the Director General of Transport referred to in section 8; and

(c) by deleting the definition of “officer” and substituting the following definition—

“officer” means an officer of the Department and includes a member of the Police Force, or any other person acting in pursuance of powers or duties conferred on him under this Act and any person employed or engaged under this Act; ”.

Section 6
repealed.

8. Section 6 of the principal Act is repealed.

Heading to
Part II
Division 1
substituted.

9. The heading to Part II Division 1 of the principal Act is repealed and the following heading substituted—

“ *Division 1.—The Minister.* ”.

Section 7
substituted.

10. Section 7 of the principal Act is repealed and the following section substituted—

Minister
a body
corporate.

“ 7. (1) The Minister administering this Act shall for the purposes of this Act be a body corporate and shall be known by such designation as is conferred on him by the Governor under the Constitution Acts Amendment Act 1899 and—

(a) shall have a seal; and

(b) is capable of acquiring, holding, giving security over and disposing of real and personal property and of suing and being sued in his corporate name.

(2) All courts and judges and persons acting judicially shall take judicial notice of the seal of the Minister affixed to any document and shall presume that it was duly affixed.

- (c) contribute to the cost of any activity carried on by the body or by any person on its behalf.

Transport
Strategy
Committees.

7B. (1) The Minister may, by instrument in writing, establish such number of Transport Strategy Committees as appear to him from time to time to be desirable for the purposes of this Act.

(2) The function of a Transport Strategy Committee shall be to advise the Minister with respect to such matters relating to transport policy as are specified in the instrument by which the Committee is established.

(3) Subject to subsection (4), a Transport Strategy Committee shall continue in existence for such period as may be specified in the instrument by which it is established or if no such period is specified for such period as the Committee requires to complete its functions.

(4) The Minister may at any time by instrument in writing vary or revoke an instrument made under subsection (1) of this section.

(5) The Minister may appoint such persons as he thinks fit to be members of a Transport Strategy Committee and may at any time remove a member of a Committee.

(6) A member of a Transport Strategy Committee may resign at any time by notice in writing delivered to the Minister.

(7) The Director General, or an officer of the Department nominated by him, shall be the chairman and a member of every Transport Strategy Committee.

(8) The Director General shall provide to every Transport Strategy Committee such support services as the Committee may reasonably require to enable it to perform its functions.

(9) Where it is determined by the Minister that a member of a Transport Strategy Committee shall be entitled to remuneration or to any travelling or other allowance, it shall be fixed by the Minister on the recommendation of the Public Service Board.

(10) Subject to any directions which may have been given in writing by the Minister, a Transport Strategy Committee may regulate its own procedure.

7C. A person who discloses any information or opinion that has been furnished to or obtained by a Transport Strategy Committee in confidence commits an offence unless the disclosure is made—

Unlawful disclosure of information.

- (a) with the consent of the person providing the information or expressing the opinion; or
- (b) in connection with the administration of this Act and with the prior permission of the Director General.

Penalty: \$200.

7D. (1) The Minister may establish, maintain and alter such facilities as in his opinion are necessary for the purpose of facilitating the movement of vehicles in any part of the State in accordance with the terms and conditions imposed under this Act or under any other Act in relation to the operation of any vehicle.

Minister may provide facilities.

(2) The Minister may impose terms and conditions, including the payment of charges, for the use of any facilities provided under subsection (1). ”.

Section 8
substituted.

12. Section 8 of the principal Act is repealed and the following section substituted—

Director
General of
Transport.

“ 8. (1) There shall be appointed in the Department under and subject to the Public Service Act 1978—

(a) a Director General of Transport;

(b) a Deputy Director General of Transport,

and such other officers as may be necessary for the purposes of carrying out the provisions of this Act.

(2) The Minister may—

(a) with the consent of a public authority in relation to a person employed by the public authority; or

(b) with the consent of the Public Service Board, in relation to an officer of the Public Service of the State,

use the services of any person employed by the public authority or any officer of the Public Service of the State, as the case may be, for the purposes of assisting in carrying out the provisions of this Act.

(3) The Minister may after consultation with the Public Service Board engage under contracts for services such consultants and professional or technical or other assistance as it considers necessary to enable the Minister to exercise and perform his functions under this Act.

(b) by repealing subsection (2) and substituting the following—

“ (2) It is the function of the Director General—

- (a) to maintain an overview of existing transport services in this State and recommend to the Minister measures for achieving co-ordination of transport services in this State;
- (b) report to the Minister on transport policy or changes in transport policy and measures for achieving policy objectives;
- (c) report to the Minister on trends and developments relating to transport within the State and elsewhere and on transport requirements within the State;
- (d) provide assistance to the transport agencies when requested by the Minister or the agencies in the development and application of appropriate planning techniques and in the establishment and maintenance on a continuing basis of detailed plans for resource use, operations and, where appropriate, marketing;
- (e) assist and advise the Minister in his examination of the plans referred to in paragraph (d);
- (f) report to the Minister on sources and uses of funds for the advancement of transport in the State in order to meet both the

Ministers need for advice on such matters and any such need which from time to time the Treasurer may have;

- (g) undertake, either directly or in association with other bodies or by the use of consultants, such research relating to transport as the Minister may require or as are considered necessary by the Minister to enable the Director General to perform his duties under this Act;
- (h) assist the Minister in carrying out the licensing, regulatory, tendering, and subsidy functions of the Minister under this Act;
- (j) advise the Minister on the administration of—
 - (i) the Eastern Goldfields Transport Board Act 1984; and
 - (ii) the Taxi-cars (Co-ordination and Control) Act 1963;
- (k) carry out such duties as directed by the Minister relating to matters associated with or affecting transport. ”; and

(c) by repealing subsection (3).

17. Section 16 of the principal Act is repealed and the following section substituted—

Section 16 substituted.

“ 16. (1) The Minister—

Tenders and subsidies.

- (a) may enter into negotiations or invite tenders, or both, for the provision of transport services, with or with-

out inviting premiums or offering subsidies, where, in the opinion of the Minister, the requirements of a district are not adequately served by any form of transport; and

- (b) shall administer and direct the payment of such subsidies with respect to the provision of transport as may be authorized under this Act.

(2) The Minister having considered the tenders submitted in response to an invitation to tender for the provision of transport services may enter into negotiations with all or any of the persons who have responded to an invitation to tender or with any other person for the purpose of ensuring the provision of transport services of the kind referred to in the invitation to tender.

(3) All applications for licences in respect of public vehicles shall be made to the Director General.

(4) The Minister shall determine all applications for licences under this Act, other than licences under Part IIIA, and without limiting any of the provisions of this Act—

- (a) specify any conditions, restrictions and prohibitions applicable in relation to a licence; and
- (b) determine in respect of a particular licence or any class of licences the conditions, restrictions and prohibitions that apply in relation thereto. ”.

18. Section 17 of the principal Act is amended— Section 17
amended.

(a) by repealing subsection (1) and substituting the following subsection—

“ (1) The Minister may, in calling tenders under section 16, call them subject to any one or more of the conditions, restrictions and prohibitions attaching to the tender and any other conditions, restrictions or prohibitions, whether precedent or subsequent, or both, as the Minister may in his discretion impose with respect to the acceptance of a tender including conditions that the tenderer will if his tender is accepted—

(a) provide a minimum service, as specified by the Minister;

(b) provide the minimum service for a minimum period, as specified by the Minister;

(c) execute jointly and severally, with sureties of a number and kind to be approved by the Minister a bond in favour of the Minister, binding the tenderer and his sureties to the Minister in an amount to be specified by the Minister for the due compliance with every condition, restriction and prohibition imposed by the Minister. ”;

(b) in subsection (2)—

(i) by deleting “Commissioner” and substituting the following—

“ Minister ”; and

(ii) by deleting “conditions” wherever occurring and substituting the following—

“ conditions, restrictions and prohibitions ”; and

(c) in subsection (3)—

(i) by inserting after “conditions,” the following—

“ restrictions or prohibitions or any of them, ”;

(ii) by deleting “any one of the conditions” and substituting the following—

“ any one of the conditions, restrictions or prohibitions ”;

and

(iii) by deleting “Commissioner” wherever occurring and substituting in each case the following—

“ Minister ”.

Section 18
amended.

19. Section 18 of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting “Commissioner” and substituting the following—

“ Director General ”;

(ii) by deleting “under his seal”; and

(iii) by deleting “Deputy Commissioner” wherever occurring and substituting in each case the following—

“ Deputy Director General ”;

and

(b) in subsection (2)—

(i) by deleting “Commissioner” wherever occurring and substituting the following—

“ Director General ”; and

1985.] *Acts Amendment and Repeal* [No. 54.
(*Transport Co-ordination*).

(ii) by deleting “and a delegation does not prevent the exercise of any power or function by the Commissioner” and substituting the following—

“ but otherwise the provisions of section 59 of the Interpretation Act 1984 apply to and in relation to any delegation under this section ”.

20. Section 18A of the principal Act is repealed and the following section substituted— Section 18A substituted.

“ 18A. The Minister shall cause a report to be made by the Director General on the construction or closure of any railway and shall cause the report to be laid before each House of Parliament before the second reading in that House of any Bill for the construction or closure of the railway. ”. Report on railways.

21. Section 19A of the principal Act is repealed Section 19A repealed.

22. Section 20 of the principal Act is amended by repealing subsection (3). Section 20 amended.

23. Section 21 of the principal Act is amended— Section 21 amended.

(a) in subsection (1)—

(i) by deleting “payable to the Commissioner” and substituting the following—

“ payable to the Director General ”;

- (ii) by deleting “determined by the Commissioner” where occurring in paragraphs (a), (aa), (b) and (c) and substituting in each case the following—

“ determined by the Minister ”;
and

- (iii) by deleting “in the opinion of the Commissioner” where occurring in paragraphs (a) and (aa) and substituting in each case the following—

“ in the opinion of the Minister ”;
and

- (b) in subsection (3), by deleting “Commissioner may” and substituting the following—

“ Director General may, and at the direction of the Minister shall, ”.

Section 22
amended.

24. Section 22 of the principal Act is amended in subsection (1)—

- (a) by deleting “Commissioner so orders” and substituting the following—

“ Minister so orders ”;

- (b) by deleting “approved by the Commissioner” and substituting the following—

“ approved by the Minister ”;

- (c) by deleting “to the Commissioner” and substituting the following—

“ to the Director General ”; and

- (d) by deleting “officer of the Commissioner” and substituting the following—

“ officer of the Department ”.

25. Section 25 of the principal Act is amended in subsection (3)— Section 25 amended.

- (a) by deleting “received by the Commissioner within 14 days of the Commissioner’s decision” and substituting the following—

“ received by the Director General within 14 days of the Minister’s decision ”;

and

- (b) by deleting “available to the Commissioner” and substituting the following—

“ available to the Minister ”.

26. Section 27 of the principal Act is amended by repealing subsection (3) and substituting the following— Section 27 amended.

“ (3) Notwithstanding the provisions of any other Act, the Minister may erect or cause to be erected at a stopping place appointed pursuant to subsection (2)—

- (a) any sign indicating and identifying the stopping place; and

- (b) shelters of such design and construction as he thinks fit,

but before erecting or causing the erection of any sign or shelter authorized by this subsection, the Minister shall cause the Director General to confer with the local authority concerned on the matter, and if agreement cannot be reached on the location, size and type of sign or shelter the matter shall be

determined by the Minister and the Minister charged with the administration of the Local Government Act 1960 or the Minister administering the Main Roads Act 1930, as the case may require. ”.

Section 29
amended.

27. Section 29 of the principal Act is amended in subsection (1)—

- (a) by deleting “Commissioner may” and substituting the following—

“ Minister may ”; and

- (b) by deleting “supplied to the Commissioner” and substituting the following—

“ supplied to the Director General ”.

Section 31
amended.

28. Section 31 of the principal Act is amended in subsection (4)—

- (a) by deleting “Commissioner” where firstly occurring in paragraph (b) and substituting the following—

“ Director General ”;

- (b) by deleting “Commissioner’s” in paragraph (b) and substituting the following—

“ Minister’s ”; and

- (c) by deleting “Commissioner” where secondly occurring and substituting the following—

“ Minister ”.

29. Section 35 of the principal Act is amended in subsection (3)— Section 35 amended.

(a) by deleting “received by the Commissioner” and substituting the following—

“ received by the Director General ”;

(b) by deleting “Commissioner’s” and substituting the following—

“ Minister’s ”; and

(c) by deleting “available to the Commissioner” and substituting the following—

“ available to the Minister ”.

30. Section 36 of the principal Act is amended by deleting paragraph (b) and substituting the following— Section 36 amended.

“ (b) shall take into consideration economic development and decentralisation; and

(c) may take into consideration such other factors as he thinks fit. ”.

31. Section 41 of the principal Act is amended in subsection (4)— Section 41 amended.

(a) by deleting “received by the Commissioner” and substituting the following—

“ received by the Director General ”;

(b) by deleting “Commissioner’s” and substituting the following—

“ Minister’s ”; and

(c) by deleting “available to the Commissioner”
and substituting the following—

“ available to the Minister ”.

Section 42D
amended.

32. Section 42D of the principal Act is amended
in subsection (1), by deleting “Commissioner shall”
and substituting the following—

“ Director General may, and at the direction
of the Minister shall, ”.

Section 42E
amended.

33. Section 42E of the principal Act is amended
by deleting “, Deputy Commissioner,”.

Section 43B
amended.

34. Section 43B of the principal Act is amended
in subsection (4)—

(a) by deleting “received by the Commissioner”
in paragraph (b) and substituting the
following—

“ received by the Director General ”;

(b) by deleting “Commissioner’s” in paragraph
(b) and substituting the following—

“ Minister’s ”; and

(c) by deleting “available to the Commissioner”
in paragraph (b) and substituting the
following—

“ available to the Minister ”.

Section 44
amended.

35. Section 44 of the principal Act is amended
in subsection (3)—

(a) by deleting “received by the Commissioner”
in paragraph (b) and substituting the
following—

“ received by the Director General ”;

(b) by deleting “Commissioner’s” in paragraph (b) and substituting the following—

“ Minister’s ”; and

(c) by deleting “available to the Commissioner” in paragraph (b) and substituting the following—

“ available to the Minister ”.

36. Section 45 of the principal Act is amended— Section 45 amended.

(a) by repealing subsection (2); and

(b) by repealing subsection (3) and substituting the following subsection—

“ (3) Notwithstanding anything in subsection (1) the Minister may at any stage for any reason defer an application or refrain from dealing with an application. ”.

37. Section 47 of the principal Act is amended Section 47 amended. in subsection (1)—

(a) by deleting “Commissioner may” and substituting the following—

“ Minister may ”; and

(b) by deleting “supplied to the Commissioner” in paragraph (d) and substituting the following—

“ supplied to the Director General ”.

38. Section 47B of the principal Act is Section 47B amended. amended—

(a) by repealing subsection (6) and substituting the following subsection—

“ (6) A licence or a renewal of a licence may be granted by the Minister for such period not exceeding 3 years

as is determined by the Minister but the Minister may in relation to a particular licence grant or renew the licence for a period in excess of 3 years as he specifies in the licence. ”; and

(b) in subsection (8)—

(i) by deleting “to the Commissioner” and substituting the following—

“ to the Director General ”; and

(ii) by deleting “by the Commissioner” and substituting the following—

“ by the Minister ”.

Section 47H
amended.

39. Section 47H of the principal Act is amended in subsection (2) by deleting “Deputy Commissioner” and substituting the following—

“ Deputy Director General ”.

Section 47P
amended.

40. Section 47P of the principal Act is amended in subsection (7) by deleting “Commissioner’s” and substituting the following—

“ Minister’s ”.

Section 47Y
repealed.

41. Section 47Y of the principal Act is repealed.

Sections
47ZB
and 47ZC
repealed.

42. Sections 47ZB and 47ZC of the principal Act are repealed.

Section 47ZF
amended.

43. Section 47ZF of the principal Act is amended in subsection (1) by deleting “the Commissioner” in paragraph (s) and substituting the following—

“ an officer ”.

44. Section 50 of the principal Act is amended in subsection (3)— Section 50 amended.

- (a) by deleting “Commissioner specifying the amount of the licence fee that the Commissioner” in paragraph (b) and substituting the following—

“ the Director General specifying the amount of the licence fee that the Minister ”;

- (b) by deleting “in that behalf by the Commissioner” and substituting the following—

“ in that behalf by the Director General ”; and

- (c) by deleting “pay to the Commissioner” and substituting the following—

“ pay to the Director General ”.

45. Section 57 of the principal Act is amended— Section 57 amended.

- (a) in subsection (1) by deleting “permit.” and substituting the following—

“ permit or any restrictions or prohibitions that apply in relation thereto. ”;

and

- (b) in subsection (2), by inserting after “attached to, the licence” the following—

“ or any restrictions or prohibitions that apply in relation thereto ”.

Section 58
amended.

46. Section 58 of the principal Act is amended in subsection (2)—

(a) by deleting “officer of the Commissioner” in paragraph (b) and substituting the following—

“ officer of the Department ”; and

(b) by deleting “appointment of the Commissioner” in paragraph (c) and substituting the following—

“ appointment of the Director General or Deputy Director General ”.

Section 59A
inserted.

47. The principal Act is amended by inserting after section 59 the following section—

Annual
Report.

“ 59A. (1) The Director General shall as soon as practicable after 30 June in each year prepare and furnish to the Minister a report on the administration and operation of this Act during the year ended on that date.

(2) The Minister shall cause the annual report to be laid before each House of Parliament within 15 sitting days of that House after he has received the report. ”.

Section 60
amended.

48. Section 60 of the principal Act is amended in subsection (2) by deleting “Commissioner’s” in paragraph (a) and substituting the following—

“ Minister’s ”.

Section 62
amended.

49. Section 62 of the principal Act is amended by repealing subsections (1), (2), (2a) and (3) and substituting the following subsections—

“ (1) There shall be established at the Treasury a fund to be known as the “Transport Co-ordination Fund” (in this section called “the Fund”).

- (d) such amount as is, in the opinion of the Treasurer of the State, necessary or expedient to establish and maintain a reserve of moneys to facilitate the carrying out of the purposes of this Act. ”.

Section 64
inserted.

50. The principal Act is amended by inserting after section 63 the following section—

Review of
Act.

“ 64. (1) The Minister shall carry out a review of the operation of this Act as soon as is practicable after 1 January 1991 and every 5th anniversary of that date and in the course of such review the Minister shall consider and have regard to—

- (a) the attainment of the object of this Act;
- (b) the administration of this Act;
- (c) the effectiveness of the operations of the Minister as a body corporate under this Act, the Department, the Transport Strategy Committees and any other committee or body established or constituted under or for the purposes of this Act;
- (d) the need for the continuation of the Minister as a body corporate under this Act and any other committee or body established or constituted under or for the purposes of this Act;
- (e) such other matters as appear to the Minister to be relevant.

(2) The Minister shall prepare a report based on the review referred to in subsection (1) and shall, as soon as is practicable after its preparation, cause the report to be laid before each House of Parliament. ”.

51. The First Schedule to the principal Act is amended in clause 1 by deleting "forest." and substituting the following—

First
Schedule
amended.

" forest and if the produce of a farm is grain or seed the carriage of that produce from the farm to the nearest facility established by the body known as Co-operative Bulk Handling Limited that is in the direction of the proposed destination of that produce and that is available for its receipt. "

52. The principal Act is amended—

General
amendment.

(a) by deleting "Commissioner" wherever occurring in a provision of the principal Act referred to in Part 1 of the Schedule to this Part and substituting in each case the following—

" Minister "; and

(b) by deleting "Commissioner" wherever occurring in a provision of the principal Act referred to in Part 2 of the Schedule to this Part and substituting in each case the following—

" Director General "

53. (1) In this Section—

Transitional.

"Commissioner" means the person holding the office of Commissioner of Transport referred to in section 7 (1) of the principal Act as in force before the commencement of section 10 of this Act immediately before such commencement;

"Commissioner of Transport" means the Commissioner of Transport constituted as a body corporate under section 7 (3) of the principal Act as in force before the commencement of section 10 of this Act;

“Co-ordinator General” means the person holding the office of Co-ordinator General of Transport referred to in section 4 of the repealed Act immediately before the commencement of section 60 of this Act;

“Deputy Director General of Transport” means the Deputy Director General of Transport referred to in section 8 of the principal Act as enacted by section 12 of this Act;

“Director General of Transport” means the Director General of Transport referred to in section 8 of the principal Act as enacted by section 12 of this Act;

“Minister” means the Minister constituted as a body corporate under section 7 of the principal Act as enacted by section 10 of this Act;

“repealed Act” means the State Transport Co-ordination Act 1981 repealed by section 60 of this Act.

(2) On the commencement of section 10—

(a) the Commissioner of Transport ceases to be a body corporate under the principal Act;

(b) all real and personal property and every right and interest therein that immediately before the commencement of this Act was vested in the Commissioner of Transport, shall, by force of this section and without any conveyance, transfer or assignment, be transferred to, and vested in and belong to the Minister for the purposes of this Act, subject to any debts, trusts and liabilities affecting them;

(3) Notwithstanding anything in the Public Service Act 1978, on the commencement of section 10 by force of this section and without further appointment or recommendation under that Act—

- (a) the Co-ordinator General is hereby appointed to the office of Director General of Transport; and
- (b) the Commissioner is hereby appointed to the office of Deputy Director General of Transport,

to hold such office under and subject to the Public Service Act 1978 for the balance of the period of their appointments as Co-ordinator General and Commissioner and at a remuneration not lower than the remuneration they received as Co-ordinator General or Commissioner, respectively.

(4) Every person who immediately before the commencement of section 10 was—

- (a) a member of the staff appointed for the due administration of the repealed Act; or
- (b) the Deputy Commissioner of Transport or an officer of the Commissioner of Transport under the principal Act as in force before the commencement of this Act,

is, by force of this Act and without further appointment under the Public Service Act 1978, hereby appointed to be an officer of the Department at a remuneration not lower than the remuneration he received as a member of the staff under the repealed Act or as an officer of the Commissioner of Transport, as the case may be.

(5) Every person appointed under subsection (3) or (4) continues to retain his existing and accruing rights including his rights under the Superannuation and Family Benefits Act 1938, but is otherwise subject to the Public Service Act 1978.

(6) All moneys standing to the credit of the Transport Commission Fund referred to in section 62 of the principal Act as in force before the commencement of section 48 shall be paid into the Transport Co-ordination Fund referred to in section 62 of the principal Act as enacted by section 48 of this Act subject to any liability to which those moneys were liable before the commencement of that section.

SCHEDULE.

PART 1.

Section 15A, 20 (2), 21 (2), (4), 23 (1), 24 (1), 25 (2), 26, 27 (1), (2), (2a), (4), 28, 29 (2), 30 (2), 31 (1), (3), 33 (1), 34, 35 (2), 36, 37, 38, 39, 40, 41 (1), (3), 42C (1), (2), (3), (4), 42H, 43, 43B (1), (3), 44 (2), 45, 46, 47 (2), 47B (7), 47C, 47L (2), (3), 47N, 47O, 47P (1), (2), (4), (9), 47Q, 47T, 47U, 47ZD, 47ZE, 47ZF (1), (d), (f), (k), (l), (n), (t), (x), (y), 47ZG, 54, 57, 62 (6), First Schedule, clauses 13 and 14.

PART 2.

Section 33 (6), 42A, 42B, 42D (2), 42E, 47B (3), (5), 47D, 47H, 47I, 47J, 47L (1), 47P (7), 47R, 47S, 47V, 47W, 47ZF (w), (zd), (zf), 49, 58 (1), 61.

PART III—EASTERN GOLDFIELDS TRANSPORT BOARD ACT 1984.

54. Section 23 of the Eastern Goldfields Transport Board Act 1984 is amended—

Section 23
amended.
Act No. 5
of 1984.

(a) in subsections (1) and (2), by deleting “Commissioner” wherever occurring and substituting in each case the following—

“ Minister ”; and

(b) in subsection (3) by deleting the definition of “Commissioner”.

PART IV—GOVERNMENT RAILWAYS ACT 1904.

Principal Act.
Reprinted as
approved 27
October 1982.

55. In this Part the Government Railways Act 1904 is referred to as the principal Act.

Section 2
amended.

56. Section 2 of the principal Act is amended—

(a) by deleting the definition of “Commissioner of Transport”; and

(b) by inserting after the definition of “Department” the following definition—

“ “Director General” means the person holding or acting in the office of Director General of Transport in the Public Service of the State; ”.

Section 21
amended.

57. Section 21 of the principal Act is amended in subsection (1) by deleting “State Transport Co-ordination Act 1933-1948” and substituting the following—

“ Transport Co-ordination Act 1966 ”.

Section 28A
amended.

58. Section 28A of the principal Act is amended—

(a) in subsection (2) by deleting “Transport Act 1966” and substituting the following—

“ Transport Co-ordination Act 1966 ”;
and

(b) in subsections (6) and (7) by deleting “Commissioner of Transport” wherever occurring and substituting in each case the following—

“ Director General of Transport ”.

PART V—METROPOLITAN REGION TOWN PLANNING
SCHEME ACT 1959.

59. Section 7 of the Metropolitan Region Town Planning Scheme Act 1959 is amended in subsection (4) by deleting paragraph (e) and substituting the following—

- “ (e) the person holding or acting in the office of Director General of Transport in the Public Service of the State; ”.

Section 7 amended.
Reprinted as approved 27 December 1978 and amended by Acts Nos. 115 of 1979, 30, 73 and 78 of 1980, 79 of 1981 and 73 of 1982.

PART VI—ROAD TRAFFIC ACT 1974.

60. Section 7 of the principal Act is amended in subsection (1) by deleting paragraph (d) and substituting the following paragraph—

- “ (d) the Director General of Transport of the Public Service of the State or such other person as the Director General of Transport with the approval of the Minister administering the Transport Co-ordination Act 1966, from time to time by writing addressed to the Chairman, nominates to be a member of the Board in place of the Director General of Transport; ”.

Principal Act.
Reprinted as approved 19 July 1983.

PART VII—STATE TRANSPORT CO-ORDINATION
ACT 1981.

61. The State Transport Co-ordination Act 1981 is repealed.

State Transport Co-ordination Act 1981 repealed.

PART VIII—TAXI CARS (CO-ORDINATION AND
CONTROL) ACT 1963.

62. In this Part the Taxi-cars (Co-ordination and Control) Act 1963 is referred to as the principal Act.

Principal Act.
Reprinted as approved 14 July 1977 and amended by Acts Nos. 68 of 1977, 27 and 92 of 1978, 10, 48 and 50 of 1980, and 106 of 1981.

Section 3
amended.

63. Section 3 of the principal Act is amended in subsection (1)—

- (a) by deleting the definitions of “Commissioner” and “Deputy Commissioner”;
- (b) by inserting after the definition of “control area” the following definitions—

“ “Department” means the Department of the Public Service of the State principally assisting the Minister with the administration of this Act;

“Director General” means the person holding or acting in the office of Director General of Transport in the Public Service of the State; ”;

and

- (c) in the definition of “inspector” by deleting “so appointed” and substituting the following—

“ designated as such ”.

Section 5
amended.

64. Section 5 of the principal Act is amended—

- (a) in subsection (3) by deleting paragraph (a) and substituting the following paragraph—

“ (a) a person appointed by the Governor, who shall be Chairman: ”; and

(b) in subsection (6)—

(i) by inserting after “in respect of” the following—

“ the Chairman of the Board or ”;

(ii) by inserting after “deputy of” the following—

“ the Chairman or ”;

(iii) by deleting “at which the member, of whom that person is the deputy” and substituting the following—

“ at which the Chairman of the Board or the member, of whom that person is the deputy, as the case requires, ”; and

(iv) by deleting “all the powers of that member” and substituting the following—

“ all the powers of the Chairman of the Board or of that member, as the case requires, ”.

65. Section 9A of the principal Act is amended— Section 9A amended.

(a) by repealing subsection (1) and substituting the following subsections—

“ (1) There shall be a secretary to the Board who may be an officer of the Department designated for that purpose by the Director General.

(1a) The office of secretary to the Board may be held in conjunction with any other office of the Public Service of the State. ”; and

- (b) in subsection (2), by deleting “an officer of the Commissioner” and substituting the following—

“ an officer of the Department ”.

Section 11A
amended.

66. Section 11A of the principal Act is amended in subsection (1a) by deleting “the person holding or acting in the office of Deputy Commissioner or secretary or to any officer of the Commissioner” and substituting the following—

“ any officer of the Department ”.

Section 12
amended.

67. Section 12 of the principal Act is amended—

- (a) by repealing subsection (1) and substituting the following subsection—

“ (1) The Minister may after consultation with the Public Service Board make available to the Board the services of any officer of the Department and may designate any officer of the Department to be an inspector for the purposes of this Act. ”; and

- (b) in subsection (2), by deleting “employee” and substituting the following—

“ officer ”.

Section 16B
amended.

68. Section 16B of the principal Act is amended in subsection (2) by deleting “Transport Commission Act 1966” and substituting the following—

“ Transport Co-ordination Act 1966 ”.

Section 17
amended.

68. Section 17 of the principal Act is amended in subsection (3) by deleting “Commissioner” and substituting the following—

“ Board ”.

