

WESTERN AUSTRALIA.

**METROPOLITAN (PERTH)
PASSENGER TRANSPORT
TRUST.**

No. 117 of 1984.

**AN ACT to amend the Metropolitan (Perth)
Passenger Transport Trust Act 1957.**

[Assented to 19 December 1984.]

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:—

1. (1) This Act may be cited as the *Metropolitan (Perth) Passenger Transport Trust Amendment Act 1984*.

Short title
and principal
Act.

No. 117.] *Metropolitan (Perth) Passenger Transport Trust.* [1984.]

Reprinted
as approved
3 March 1975
and
amended
by Acts
Nos. 25 of
1980 and
10 of 1982.

(2) In this Act the Metropolitan (Perth) Passenger Transport Trust Act 1957 is referred to as the 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.

Long title
amended.

3. The long title to the principal Act is amended—

(a) by deleting “along Routes”; and

(b) by deleting “on Ferry-Service Routes”.

Section 3
repealed.

4. Section 3 of the principal Act is repealed.

Section 4
amended.

5. Section 4 of the principal Act is amended in the definition of “property” by deleting paragraph (b).

Section 5
amended.

6. Section 5 of the principal Act is amended—

(a) by inserting after the section designation “5.” the subsection designation “(1)”;

(b) by deleting “, but is, for the purposes of the State Transport Co-ordination Act, 1966, subject to the Minister”; and

(c) by inserting the following subsection—

“ (2) The Trust is subject to the control of the Minister. ”.

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 Section 7 of the principal Act is repealed and the following section is substituted—

Section 7
repealed and
substituted.

“ 7. (1) The Trust shall consist of 7 members as follows—

Membership
of the Trust.

- (a) a Chairman;
- (b) 5 members; and
- (c) the Commissioner.

(2) Subject to this section the Chairman and the members referred to in subsection (1) (b) shall be appointed by the Minister.

(3) The Minister shall not appoint a person to be Chairman or a member under subsection (1) (b) unless the Minister is satisfied that the person has wide experience and shown capacity in transport, industrial, commercial, or financial matters or in the conduct of public affairs.

(4) In relation to the members appointed under subsection (1) (b)—

- (a) 1 person shall be appointed on the nomination in writing of the body known as the Trades and Labor Council of Western Australia;
- (b) 1 person shall be a person who in the opinion of the Minister is a user of the services provided by the Trust,

otherwise the Minister has complete discretion.

(5) Where the body referred to in subsection (4) (a) fails to make a nomination in writing within 60 days after being requested in writing by the Minister to do so, the Minister may appoint any person who in the opinion of the Minister is suitable and any person so appointed shall be deemed to have been validly appointed. ”.

Section 8
repealed and
substituted.

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

Tenure
of office.

“ 8. (1) The term of office of member other than the Commissioner shall be for such period not exceeding 5 years as is specified in the instrument of appointment of that person as member.

(2) Subject to the Salaries and Allowances Act 1975, a member other than the Commissioner or a member who is an officer of the Public Service of the State is entitled to such remuneration and allowances as are determined by the Minister on the recommendation of the Public Service Board.

Vacation of
office.

8A. The office of member other than the Commissioner becomes vacant if—

- (a) his term of office expires;
- (b) he becomes permanently incapable of performing his duties;
- (c) he resigns his office by written notice addressed to the Minister;
- (d) he is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy;
- (e) he is absent without leave of the Minister from 3 consecutive meetings of the Trust;
- (f) being a member appointed pursuant to a nomination made by the body referred to in section 7 (4) (a) the nomination is withdrawn;

(g) during his term as a member he in any way, otherwise than as a member and in common with the other members of an incorporated company consisting of not less than 51 persons—

(i) becomes concerned or interested, without the approval of the Minister, in any contract or agreement entered into by or on behalf of the Trust;

(ii) participates or claims to participate, without the approval of the Minister, in the profit of any such contract or agreement or in any benefit or emolument arising from any such contract or agreement;

(h) having been suspended from office, as member by the Governor, he is not restored to office on the Trust by authority of a resolution of each House of Parliament under section 14;

(i) he dies. ”.

9. Section 9 of the principal Act is amended by repealing subsections (1) and (2) and substituting the following subsections—

Section 9
amended.

“ (1) The Minister—

(a) may appoint a member to act as Chairman in place of the Chairman;

(b) may appoint a person to act as member whenever a member is appointed to act as Chairman under paragraph (a);

(c) shall on the nomination of the body known as the Trades and Labor Council of Western Australia appoint a person to act as member in place of a person appointed on the nomination of that body,

and any person so appointed has, when acting as Chairman or member, as the case requires, pursuant to such an appointment all the duties, powers and entitlements of, and the protection given to, the Chairman or member, as the case may be, in whose place he is appointed to act.

(2) An appointment under subsection (1) (a) or (1) (c) may be made so as to operate in such circumstances as are specified in the instrument of appointment.

(2a) An appointment of a person as acting member under subsection (1) (c) is revoked if the body referred to therein withdraws its nomination of that person as acting member. ”

Sections 10,
11 and 12
repealed.

10. Sections 10, 11 and 12 of the principal Act are repealed.

Section 13
repealed and
substituted.

11. Section 13 of the principal Act is repealed and the following section is substituted—

Member not
an officer
of the Public
Service.

“ 13. (1) A member or an acting member is not, by reason of his appointment as a member or acting member, an officer of the Public Service of the State.

(2) If a person appointed to be a member was immediately before that appointment an officer of the Public Service of the State he shall notwithstanding that appointment retain his existing and accruing rights on his appointment as member.

1984.] *Metropolitan (Perth) Passenger [No. 117.
Transport Trust.*

(3) If a person appointed to be member was immediately before that appointment an officer within the meaning of the Public Service Act 1978 he is entitled upon resigning his office as a member or upon ceasing to be a member to be appointed to an office in the Public Service of the State not lower in status than the office he so occupied immediately before his appointment as member. ”.

12. Section 14 of the principal Act is amended in subsection (1) by deleting “An appointed member” and substituting the following—

Section 14
amended.

“ A member other than the Commissioner ”.

13. Section 15 of the principal Act is amended in subsection (1), by deleting “of appointed members of the Trust” in paragraph (a) and substituting the following—

Section 15
amended.

“ of members of the Trust other than the Commissioner ”.

14. Section 16 of the principal Act is amended—

Section 16
amended.

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

“ (1) The Chairman shall convene a meeting of the Trust whenever directed to do so by the Minister otherwise the Trust shall meet at the times and places appointed by the Trust. ”;

and

(b) in subsection (2) by deleting “or his deputy in the absence of the former” and substituting the following—

“ or, in his absence, the person who, under section 9, is appointed to act in his office ”.

No. 117.] *Metropolitan (Perth) Passenger* [1984.
Transport Trust.

Section 17
repealed and
substituted.

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

Quorum.

“ 17. (1) At a meeting of the Trust 4 members constitute a quorum.

(2) A quorum present at a meeting of the Trust at, or within half an hour after, the time appointed for the commencement of a meeting may exercise any function of the Trust as effectively as if all members were present. ”.

Section 18
amended.

16. Section 18 of the principal Act is amended in subsection (1) by deleting “or deputy”.

Section 19
amended.

17. Section 19 of the principal Act is amended by deleting “or deputy” wherever occurring.

Section 20
amended.

18. Section 20 of the principal Act is amended in subsection (1) by deleting “or deputies”.

Section 22
amended.

19. Section 22 of the principal Act is amended by deleting “deputy for a member” and substituting the following—

“ acting member ”.

Section 23
amended.

20. Section 23 of the principal Act is amended in subsection (1)—

(a) by deleting “along routes” in paragraph (a); and

(b) by deleting “on ferry service routes” in paragraph (a).

21. The heading "*Division 2—Power of Acquisition Generally.*" before section 25 of the principal Act is deleted and the following heading substituted—

Heading to section 25 repealed and substituted.

" *Division 2—Powers of the Trust Generally.* "

22. Section 25 of the principal Act is amended—

Section 25 amended.

(a) in subsection (1) by inserting after paragraph (e) the following paragraphs—

" (ea) power to enter into agreements, contracts or arrangements with any department of the Public Service of the State or transport agency of the State relating to the use by that department or transport agency of any real or personal property of the Trust, the services of any employee or officer of the Trust, or both;

(eb) power to acquire property being the whole or part of the undertaking of the proprietor of any passenger transport service conducted over streets if the whole or part of the undertaking is provided in the metropolitan area. ";

(b) by repealing subsections (2), (3), (4) and (5); and

(c) in subsection (6)—

(i) by deleting paragraph (a) and substituting the following paragraph—

" (a) The Trust may, with the approval of the Governor, under and subject to the

Public Works Act 1902
acquire any land for the
purposes of carrying out any
of its functions under this
Act. ”; and

(ii) by deleting paragraph (b).

Part III
Divisions 3
to 8 repealed.

23. The principal Act is amended in Part III by repealing Divisions 3, 4, 5, 6, 7, and 8.

Section 42
amended.

24. Section 42 of the principal Act is amended by repealing subsections (2) and (4).

Section 44
amended.

25. Section 44 of the principal Act is amended in subsection (6)—

(a) by deleting “and whether the acquisition is by agreement or compulsory” in paragraph (a);

(b) by deleting “and” after paragraph (e);

(c) by deleting the full stop after paragraph (f) and substituting the following—

“ ; and ”;

and

(d) by inserting the following paragraph—

“ (g) payment of moneys for such purposes as are approved by the Minister. ”.

Section 75
amended.

26. Section 75 of the principal Act is amended in subsection (2) by deleting “or his deputy”.

27. Section 79 of the principal Act is amended by deleting "Road and Air Transport Commission Act, 1966," and substituting the following—

Section 79
amended.

" Transport Act 1966 ".

28. (1) A person who on the day that section 7 of this Act comes into operation is a member of the Trust continues in office for the remainder of the term of his office as fixed in the instrument of his appointment under the principal Act as in force before that day but subject otherwise to the provisions of the principal Act as in force after that day.

Savings and
transitional.

(2) The appointment or purported appointment of a member of the Trust as a deputy of the Chairman of the Trust under or purportedly under section 9 of the principal Act as in force before the day that section 9 of this Act came into operation is hereby revoked.

(3) Any claim for compensation made under the principal Act before the day that section 23 of this Act comes into operation that is pending on that day may be dealt with as though the relevant provisions of the principal Act that applied in relation thereto before that day were still in force after that day.
