

STATE TRANSPORT CO-ORDINATION ACT 1981.

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STATE TRANSPORT CO-ORDINATION.

No. 14 of 1981.

AN ACT to make provision for the co-ordinated planning and advancement of all forms of transport in the State, to repeal the State Transport Co-ordination Act 1966-1980 and for related purposes.

[Assented to 22 May 1981.]

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. This Act may be cited as the *State Transport Co-ordination Act 1981*. Short title.

2. This Act shall come into operation on a day to be fixed by proclamation. Commence-
ment.

Interpreta-
tion.

3. In this Act unless the contrary intention appears—

“Co-ordinator General” means the Co-ordinator General of Transport constituted under section 4;

“section” means a section of this Act;

“State Government Department” includes any department established under the Public Service Act 1978, State trading concern, State instrumentality, State public utility and any person or body, whether corporate or unincorporate, that, under any Act of the State, administers or carries on a public social service or public utility for the benefit of the State;

“transport agency” means a body responsible for any form of transport within the State which is responsible to the Minister in respect of its operations;

“Transport Strategy Committee” means a Committee established by that name under section 9.

Co-ordinator
General of
Transport.

4. (1) There shall be a Co-ordinator General of Transport for the purposes of this Act who shall be appointed and hold office as provided in section 5.

(2) The Co-ordinator General is responsible, subject to the general control of the Minister, for the administration of this Act.

Appointment
and removal
of
Co-ordinator
General.

5. (1) The Co-ordinator General—

(a) shall be appointed by the Governor for such period, not exceeding 7 years, as the Governor determines and is eligible for re-appointment; and

- (b) subject to this section, shall hold office for the term for which he is appointed.

(2) The salary and allowances of the Co-ordinator General shall, except during any period when section 6 of the Salaries and Allowances Act 1975 applies thereto, be such as the Governor may from time to time determine.

(3) Where the Co-ordinator General—

- (a) resigns, and his resignation is accepted by the Governor, or, having attained the age of 65 years retires, or dies;
- (b) becomes of unsound mind or is certified or declared, under any law relating to mental health, as being an infirm person or incapable of managing his affairs; or
- (c) becomes physically incapacitated to the extent of being unable to carry out the duties of his office,

his office becomes vacant.

(4) Where the Co-ordinator General—

- (a) is absent from his duties for a period of at least one month, without the leave of the Minister;
- (b) becomes bankrupt, avails himself, as a debtor, of any law for the relief of bankrupt debtors or compounds with his creditors;
- (c) without the consent of the Minister, participates, or claims to be entitled to participate, in any profit, commission, benefit or emolument arising directly or indirectly from any contract or agreement made by, or on behalf of the Crown, whether the profit, commission, benefit or emolument is that of, or is derived by, a party to the contract or agreement or not;
or
- (d) is guilty of misbehaviour,

the Governor may suspend him from office and the Minister shall thereupon cause a full statement of the grounds for the suspension to be laid before each House of Parliament within 6 sitting days of the House next following the suspension.

(5) If each House of Parliament resolves, within 21 sitting days after the day on which a statement has been laid before it pursuant to subsection (4) of this section, that the Co-ordinator General is to be restored to office, his suspension is terminated and he shall be restored accordingly; otherwise the Governor may remove him from office.

(6) Unless the Governor otherwise directs, the Co-ordinator General is entitled to remuneration in respect of the period of his suspension.

(7) The Co-ordinator General shall not be removed from office except as provided by this section.

Terms of
service.

6. Subject to section 5, the terms and conditions of service of the Co-ordinator General shall be determined by the Minister on the recommendation of the Public Service Board.

Appointment
of acting
Co-ordinator
General

7. In the case of a vacancy in the office of Co-ordinator General or the illness, absence or suspension of the Co-ordinator General, the Governor may appoint a person to act as Co-ordinator General during the vacancy, illness, absence or suspension and a person so acting shall have all the powers and shall perform all the duties of the Co-ordinator General.

Duties of the
Co-ordinator
General.

8. The Co-ordinator General shall—

- (a) recommend to the Minister measures for achieving co-ordination of the various forms of transport in the 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) of this section;
- (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 Co-ordinator General to perform his duties under this Act; and
- (h) undertake such other duties relating to transport within the State, not being inconsistent with this Act, as the Minister may from time to time require.

9. (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.

Transport
Strategy
Committees.

(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 Co-ordinator General shall be the chairman and a member of every Transport Strategy Committee, but if he is unable to attend a meeting of a Transport Strategy Committee a person appointed by him as acting chairman (whether generally or for a particular meeting) shall be the chairman for and preside at that meeting and shall be deemed for all purposes, while he acts as such, to be a member of the Committee.

(8) The Co-ordinator 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.

10. For the purpose of assisting the Co-ordinator General to carry out the duties imposed on him by this Act, the Co-ordinator General—

Powers of
Co-ordinator
General.

- (a) may demand and obtain from any State Government Department such information as he may from time to time require concerning the operation and conduct of that Department so far as it relates to any form or means of transport within the State; and
- (b) has the powers, authority and protection of the Chairman of a Commission or a Commissioner under the Royal Commissions Act 1968 and the provisions of that Act apply, subject to the necessary changes, to any investigation and inquiry that the Co-ordinator General may make for the purposes of this Act.

11. (1) The Minister may appoint such staff as may in his opinion be necessary for the due administration of this Act.

Appointment
of staff.

(2) The terms and conditions of service of staff so appointed shall be determined by the Minister on the recommendation of the Public Service Board.

(3) The Co-ordinator General may, with the consent of the Minister administering any State Government Department, make use of the services of any person employed in that department for the purpose of administering this Act.

12. Where any person appointed, or of whom the services are used, pursuant to this Act is an officer within the meaning of the Public Service Act 1978,

Rights of
officers of
Public
Service.

or an officer of a State Government Department, the appointment does not affect the operation of that or of any other Act that may apply to that person, as such an officer or his rights under them or any of them.

Unlawful disclosure of information.

13. 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—

(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 Co-ordinator General.

Penalty: \$200.

Annual report.

14. (1) The Co-ordinator General shall, as soon as practicable after 30 June in each year, prepare and furnish to the Minister a report on the proceedings and work of the Co-ordinator General and every Transport Strategy Committee during the year ended on that date together with any comments which the Co-ordinator General may wish to make relating to the administration or operation of this Act.

(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.

Repeal.

15. The State Transport Co-ordination Act 1966-1980 is repealed.

16. A reference in any Act or regulation to the Director General of Transport constituted under the Act repealed by section 15—

References
to Director
General of
Transport
in other
written laws.

- (a) shall, unless the context otherwise requires, be read and construed as a reference to the Co-ordinator General; and
 - (b) on a reprint of the Act or regulation pursuant to any Act may be altered accordingly.
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