

TRANSPORT COMMISSION.

No. 51 of 1975.

AN ACT to amend the Transport Commission Act, 1966-1973.

[Assented to 18th September, 1975.]

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 *Transport Commission Act Amendment Act, 1975*. Short title and citation.

(2) In this Act the Transport Commission Act, 1966-1973, is referred to as the principal Act. Reprinted as approved for reprint 20th February, 1973, as amended by Act No. 83 of 1973.

(3) The principal Act as amended by this Act may be cited as the Transport Commission Act, 1966-1975.

Section 4
amended.

2. Section 4 of the principal Act is amended—

(a) as to the definition of the term “officer”—

(i) by inserting after the words “Police Force”, in line four of that definition, the words “or of the staff of the Road Traffic Authority”; and

(ii) by deleting the passage “subsection (3) of”, in line eight; and

(b) by deleting the definition of the term “omnibus” and substituting a new definition as follows—

“omnibus” means a motor vehicle used or intended to be used as a passenger vehicle to carry passengers for hire or reward, and includes any such vehicle so used or intended to be used by or on behalf of the Crown, or an agency of the Crown other than the Metropolitan (Perth) Passenger Transport Trust, and whether in connection with a railway or not, but does not include a vehicle licensed for use as a taxi-car under the Taxi-cars (Co-ordination and Control) Act, 1963, or the Road Traffic Act, 1974; .

Section 15A
added.

3. The principal Act is amended by inserting immediately after section 15 a new section, to stand as section 15A, as follows—

Power to
borrow
money.

15A. (1) The Commissioner shall have power to borrow money upon the guarantee of the Treasurer of the State for the purposes of carrying out his powers and functions under this Act, including the provision of premises and other facilities.

(2) The Commissioner is authorized with the prior approval in writing of the Treasurer to borrow money upon such terms and conditions only as the Treasurer approves.

(3) The Treasurer is hereby authorized to so approve and to give the guarantee, including the guarantee of interest, in subsection (1) of this section, for and on behalf of the Crown in right of the State.

(4) Any moneys borrowed by the Commissioner under this section may be raised as one loan or as several loans and in such manner as the Treasurer may approve, but the amount of the moneys so borrowed shall not in any one year exceed in the aggregate such amount as the Treasurer approves.

(5) Before a guarantee is given by the Treasurer under this section, the Commissioner shall give to the Treasurer such security as the Treasurer may require and shall execute all such instruments as may be necessary for the purpose.

(6) The Commissioner shall use all moneys borrowed under the power conferred by this section for the purposes of carrying this Act into effect. .

4. Subsection (1) of section 21 of the principal Act is amended as to paragraph (b), by deleting the words "one dollar", in line three of that paragraph, and substituting the words "two dollars".

Section 21
amended.

5. Section 35 of the principal Act is amended—

Section 35
amended.

(a) by inserting after the section designation "35." the subsection designation "(1)"; and

(b) by adding two new subsections as follows—

(2) Where the application relates to a licence required for a particular purpose of limited duration, notwithstanding the provisions of subsection (1) of this section the Commissioner may grant the licence without prior lodgement of the written application where he is satisfied that sufficient information has been made available to him to enable him so to do.

(3) A licence granted pursuant to subsection (2) of this section—

(a) shall be deemed to take effect upon verbal notification to the applicant that a licence will issue; but

(b) shall be deemed not to have taken effect if the written application relating thereto is not received by the Commissioner within seven days of the Commissioner's decision or if the information contained in the written application differs in a material particular from the information made available to the Commissioner prior to his decision. .

Section 49
amended.

6. Section 49 of the principal Act is amended—

(a) as to subsection (1), by deleting the word "address", in line twelve, and substituting the words "place of abode"; and

(b) as to subsection (2), by deleting the word "address", in line five and again in line six, and substituting in each case the words "place of abode".

7. Section 50 of the principal Act is amended by adding two new subsections, to stand as subsection (3) and subsection (4), as follows—

Section 50
amended.

(3) The court by or before which a person is convicted of an offence under this section may, whether or not it imposes any other penalty, order the driver or owner of the vehicle to which the offence relates to pay to the Commissioner the amount of any licence fee that the court determines should have been paid but was not paid under this Act in respect of that vehicle.

(4) Where in any proceedings under this section the court records a finding to the effect that the defendant has satisfied the court that he was not directly responsible for the commission of the offence, and whether or not any other person has been convicted in relation to the same matter, the defendant may recover in any court of competent jurisdiction from any person directly responsible for the commission of the offence the amount of any pecuniary penalty imposed on his conviction and paid or payable by him, together with the costs, fees, charges and other expenses paid or payable by him in relation to his defence to those proceedings, and the court may, if it thinks fit, suspend the operation of any order made under subsection (3) of this section for any period not exceeding three months to enable the defendant so to effect recovery. .

8. Section 62 of the principal Act is amended, as to subsection (3)—

Section 62
amended.

(a) by deleting the word “and”, being the last word in paragraph (b); and

- (b) by inserting after the word "route", being the last word in paragraph (c), a new passage as follows—

; and

- (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 by the Commissioner of his powers and functions under this Act .

Second
Schedule
substituted.

9. The principal Act is amended by deleting the Second Schedule and substituting a new schedule as follows—

SECOND SCHEDULE.

Trailers and semi-trailers.

| | \$ |
|--|---------|
| Up to 1 250 kg gross weight | 50.00 |
| Exceeding 1 250 kg but not exceeding 2 000 kg | 70.00 |
| Exceeding 2 000 kg but not exceeding 3 000 kg | 120.00 |
| Exceeding 3 000 kg but not exceeding 4 000 kg | 160.00 |
| Exceeding 4 000 kg but not exceeding 5 000 kg | 220.00 |
| Exceeding 5 000 kg but not exceeding 6 000 kg | 280.00 |
| Exceeding 6 000 kg but not exceeding 7 000 kg | 340.00 |
| Exceeding 7 000 kg but not exceeding 8 000 kg | 410.00 |
| Exceeding 8 000 kg but not exceeding 9 000 kg | 490.00 |
| Exceeding 9 000 kg but not exceeding 10 000 kg .. | 570.00 |
| For every additional 1 000 kg | 50.00 . |