



ANNO VICESIMO

## ELIZABETHAE II REGINAE

A.D. 1971

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### No. 84 of 1971

#### An Act to amend the Municipal Tramways Trust Act, 1935-1965

[Assented to 25th November, 1971]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Municipal Tramways Trust Act Amendment Act, 1971". Short titles.

(2) The Municipal Tramways Trust Act, 1935-1965, as amended by this Act, may be cited as the "Municipal Tramways Trust Act, 1935-1971".

(3) The Municipal Tramways Trust Act, 1935-1965, is hereinafter referred to as "the principal Act".

2. Section 5 of the principal Act is amended—

(a) by striking out from subsection (1) the definition of "Commissioner";

(b) by striking out from subsection (1) the definitions of "councils of group 'A'" and "councils of group 'B'" and inserting in lieu thereof respectively the following definitions:—

"councils of group 'A'" means the corporations of the City of Port Adelaide, the City of Kensington and Norwood, the City of Unley, the Town of St. Peters, the Town of

Amendment of principal Act, s. 5—  
Interpretation.

Hindmarsh, the Town of Thebarton, the City of Henley and Grange, the City of Glenelg and the City of Brighton:

“councils of group ‘B’ ” means the corporations of the City of Burnside, the City of Campbelltown, the City of Mitcham, the City of Payneham, the Town of Walkerville, the City of West Torrens, the City of Enfield, the City of Marion, the City of Prospect and the City of Woodville::

(c) by striking out from the definition of “district” in subsection (1) the passage “ “The Local Government Act, 1934” ” and inserting in lieu thereof the passage “the Local Government Act, 1934, as amended”;

(d) by striking out from subsection (1) the definition of “motor omnibus” and inserting after the definition of “metropolitan councils” the following definitions:—

“Minister” means the Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor and includes a Minister of the Crown for the time being discharging the duties of the office of, or assisting, or acting in the exercise or performance of powers or functions delegated to him by, that Minister:

“motor omnibus” means a motor vehicle as defined in the Road Traffic Act, 1961, as amended, which plies for hire for the purpose of carrying passengers at separate and distinct fares for each passenger, and not in consideration of a lump sum paid for the use of the vehicle::

and

(e) by inserting in the definition of “municipality” in subsection (1) after the numerals “1934” the passage “, as amended”.

Enactment of  
s. 25a of  
principal Act—

3. The following section is enacted and inserted in the principal Act immediately after section 25 thereof:—

Trust is subject  
to control of  
Minister.

25a. Notwithstanding any other provision of this Act, the Trust is subject to the control of the Minister and, in the exercise of the powers, functions, authorities and duties conferred or imposed on the Trust by or under this Act or any other Act, the Trust shall comply with the directions, if any, given by the Minister.

Amendment of  
principal Act,  
s. 26a—  
Audit.

4. Section 26a of the principal Act is amended by striking out from subsection (3) the passage “of Works”.

5. Section 26b of the principal Act is amended by striking out the passage "of Works".

Amendment of principal Act, s. 26b—  
Annual report by Trust.

6. Section 34 of the principal Act is amended by inserting after the passage "1934," the passage "as amended,".

Amendment of principal Act, s. 34—  
Non-application of certain laws.

7. Section 45 of the principal Act is amended—

Amendment of principal Act, s. 45—  
Apportionment of liability on debentures.

(a) by striking out from paragraph (b) of subsection (1) the passage "corporation of Brighton" and inserting in lieu thereof the passage "Corporation of the City of Brighton";

(b) by striking out from subsection (1) the word "Commissioner" and inserting in lieu thereof the word "Minister";

and

(c) by inserting in subsections (1) and (3) after the passage "1934," wherever occurring therein the passage "as amended,".

8. Section 47 of the principal Act is amended—

Amendment of principal Act, s. 47—  
Method of making and collecting rates.

(a) by inserting in subsection (1) after the passage "1934," the passage "as amended,";

and

(b) by inserting in subsection (2) after the figures "1934" the passage ", as amended".

9. Section 48 of the principal Act is amended—

Amendment of principal Act, s. 48—  
General powers of the Trust.

(a) by striking out from paragraph (9) the passage "under the provisions of the Compulsory Acquisition of Land Act, 1925, and any Acts amending the same" and inserting in lieu thereof the passage "subject to and in accordance with the Land Acquisition Act, 1969, as amended";

and

(b) by striking out from paragraph (9) the passage ", and for any such purpose all the provisions of those Acts are incorporated in this Act".

10. Section 57 of the principal Act is amended by striking out from subsection (9) the passage "twenty pounds" and inserting in lieu thereof the passage "forty dollars".

Amendment of principal Act, s. 57—  
Provisions as to gas and water companies.

Amendment of  
principal Act,  
s. 60—  
Difference  
between  
promoters and  
road  
authority, etc.

11. Section 60 of the principal Act is amended by striking out the passage "Commissioner of Waterworks, or the Commissioner of Sewers" and inserting in lieu thereof the passage "Minister of Works".

Amendment of  
principal Act,  
s. 62—  
Arbitration  
Act to apply.

12. Section 62 of the principal Act is amended by inserting after the passage "1891," the passage "as amended,".

Amendment of  
principal Act,  
s. 65—  
Evidence of  
consent to  
contract.

13. Section 65 of the principal Act is amended by striking out the word "Commissioner" wherever occurring therein and inserting in lieu thereof in each case the word "Minister".

Amendment of  
principal Act,  
s. 72—  
Penalties  
imposed by  
by-laws.

14. Section 72 of the principal Act is amended—

(a) by striking out the passage "fifty pounds" and inserting in lieu thereof the passage "one hundred dollars";

and

(b) by striking out the passage "one pound" and inserting in lieu thereof the passage "two dollars".

Amendment of  
principal Act,  
s. 74—  
Liability of  
Trust for  
damage caused  
by escape of  
electricity,  
etc.

15. Section 74 of the principal Act is amended—

(a) by striking out the passage "the Adelaide Electric Supply Company, Limited" wherever occurring therein and inserting in lieu thereof in each case the passage "The Electricity Trust of South Australia";

and

(b) by striking out the passage "either of such companies" and inserting in lieu thereof the passage "either of them".

Repeal of s. 86a  
of principal Act.

16. Section 86a of the principal Act is repealed.

Amendment of  
principal Act,  
s. 86b—  
Leasing of  
land at  
Hackney.

17. Section 86b of the principal Act is amended by striking out from subsection (2) the passage "four pounds ten shillings" wherever occurring therein and inserting in lieu thereof in each case the passage "four and a half".

Amendment of  
principal Act,  
s. 87—  
Penalty for  
interfering  
with Trust  
property.

18. Section 87 of the principal Act is amended by striking out from subsection (1) the passage "fifty pounds" and inserting in lieu thereof the passage "one hundred dollars".

**19. Section 88 of the principal Act is amended—**

(a) by striking out the word “or” immediately preceding paragraph (d);

and

(b) by striking out the passage “one hundred pounds” and inserting in lieu thereof the passage “two hundred dollars”.

Amendment of principal Act, s. 88—  
Penalties for various offences

**20. Section 89 of the principal Act is amended—**

(a) by inserting in paragraph (c) immediately after the passage “such carriage;” the word “or”;

and

(b) by striking out the passage “two pounds” and inserting in lieu thereof the passage “four dollars”.

Amendment of principal Act, s. 89—  
Penalties for offences relating to fares and other matters.

**21. Section 91 of the principal Act is amended by striking out the passage “one hundred pounds” and inserting in lieu thereof the passage “two hundred dollars”.**

Amendment of principal Act, s. 91—  
Penalty for taking dangerous goods in trams.

**22. Section 93 of the principal Act is amended by striking out the passage “twenty pounds” and inserting in lieu thereof the passage “forty dollars”.**

Amendment of principal Act, s. 93—  
Protection of rights of Trust to user of the Tramways.

**23. Section 94 of the principal Act is amended—**

(a) by striking out from subsection (1) the passage “one hundred pounds” and inserting in lieu thereof the passage “two hundred dollars”;

and

(b) by striking out from subsection (1) the passage “two hundred pounds” and inserting in lieu thereof the passage “four hundred dollars”.

Amendment of principal Act, s. 94—  
Penalty for offences relating to unlicensed motor omnibuses.

**24. Section 95 of the principal Act is amended by striking out from subsection (1) the passage “fifty pounds” and inserting in lieu thereof the passage “one hundred dollars”.**

Amendment of principal Act, s. 95—  
General penalty and provisions as to offences.

Amendment of  
principal Act,  
s. 102—  
Jurisdiction of  
justices.

**25. Section 102 of the principal Act is amended by redesignating the last subsection thereof as subsection (3).**

Amendment of  
principal Act,  
s. 105—  
Facilities for  
testing  
by-laws.

**26. Section 105 of the principal Act is amended by striking out from subsection (2) the passage "fifteen pounds" and inserting in lieu thereof the passage "thirty dollars".**

**In the name and on behalf of Her Majesty, I hereby assent  
to this Bill.**

**J. M. NAPIER, Lieutenant-Governor**