

**STATE TRANSPORT (CO-ORDINATION)
AMENDMENT ACT, 1980, No. 156**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 156, 1980.

An Act to amend the State Transport (Co-ordination) Act, 1931, with respect to applications for licenses to operate public passenger vehicles within certain local government areas, the variation of licenses and the making of appeals against decisions relating to licenses. [Assented to, 11th December, 1980.]

See also Local Government (Public Vehicles) Amendment Act, 1980.

State Transport (Co-ordination) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the “State Transport (Co-ordination) Amendment Act, 1980”. Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The State Transport (Co-ordination) Act, 1931, is referred to in this Act as the Principal Act. Principal
Act.

4. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT FOR THE PURPOSE OF METRIC CONVERSION.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

5. The Principal Act is amended in the manner set forth in Schedules 1–3. Amendment
of Act No.
32, 1931.

State Transport (Co-ordination) Amendment.

Savings—
exercise or
perform-
ance of
certain
powers,
etc.

6. Where, immediately before the day appointed and notified under section 2 (2), a person was entitled to exercise or perform any power, authority, duty or function conferred or imposed under the Principal Act, as in force immediately before that day, whether the power, authority, duty or function was expressed to be conferred or imposed on that person or another person or other persons, the amendments made to the Principal Act by section 5 and Schedule 3 do not affect the exercise or performance by the first-mentioned person, on and from that day, of any such power, authority, duty or function.

Sec. 5.

SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 3 (1), definition of “Local government area”—

After the definition of “Licensed”, insert :—

“Local government area” has the meaning ascribed thereto in section 4 of the Local Government Act, 1919.

(b) Section 3 (1), definition of “Motor omnibus”—

Before the definition of “Motor vehicle”, insert :—

“Motor omnibus” means a public motor vehicle fitted, equipped or constructed so as to seat more than 8 adult persons and in respect of which payment is or is intended to be received for the conveyance of any passengers along a public street.

State Transport (Co-ordination) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 3 (1), definition of “Private hire car”—

Before the definition of “Public motor vehicle”,
insert :—

“Private hire car” means a public motor vehicle
(not being a motor omnibus) used or in-
tended to be used for the conveyance of
persons which does not stand or ply for hire
in a public street.

(d) Section 3 (1), definition of “Public passenger vehicle”—

After the definition of “Public motor vehicle”,
insert :—

“Public passenger vehicle” means a motor omnibus,
private hire car, taxi-cab or other public motor
vehicle used or intended to be used for the
conveyance of passengers.

(e) Section 3 (1), definition of “Taxi-cab”—

After the definition of “Store”, insert :—

“Taxi-cab” means a public motor vehicle (not
being a motor omnibus) which plies or stands
or is intended to ply or stand in a public street
for hire for the conveyance of passengers.

(f) Section 3 (1), definition of “Transport district”—

After the definition of “This Act”, insert :—

“Transport district” means—

- (a) the Metropolitan Transport District;
- (b) the Newcastle and District Transport
District;
- (c) the Wollongong Transport District; or
- (d) any other transport district,

State Transport (Co-ordination) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

for the time being established by or under the
Transport Act, 1930.

(2) Section 14 (2) (e)—

Omit the paragraph.

(3) Sections 14A, 14B—

After section 14, insert :—

Applica-
tions for
licenses to
operate
public
passenger
vehicles
outside
transport
districts.

14A. In respect of an application made under section 14 for a license to operate a public passenger vehicle within a local government area (not being a local government area wholly within a transport district), the Commissioner shall, unless the application is refused—

(a) forward a copy of the application, as soon as practicable after its receipt by him, to—

- (i) where it appears to the Commissioner that the application is for a license to operate the vehicle wholly within one and only one such local government area—the council of that area;
- (ii) except as provided by subparagraph (iii), where it appears to the Commissioner that the application is for a licence to operate the vehicle within more than one such local government area—the council of the local government area from within which, in the opinion of the Commissioner, the vehicle is to operate; or
- (iii) where it appears to the Commissioner that the application is for a license to operate, in accordance with a time-table,

State Transport (Co-ordination) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

a motor omnibus upon a route which passes through more than one such local government area—the council of each of those local government areas;

- (b) request the council or each council, as the case may be, to which a copy of the application is forwarded under paragraph (a) to make representations to him, within a period of 30 days after the date on which the copy of the application is so forwarded, as to whether, in its opinion, the application should be granted, conditionally or unconditionally, or refused; and
- (c) defer dealing with the application until the expiration of the period referred to in paragraph (b).

14B. The Commissioner may, at any time, consult with the council of a local government area concerning the operation or proposed operation within that local government area of a public motor vehicle or any other matter relating to a public motor vehicle. ^{Consultation with councils.}

- (4) (a) Section 17 (3) (g)—

Omit “vehicle.”, insert instead “vehicle; and”.

- (b) Section 17 (3) (h)—

After section 17 (3) (g), insert :—

- (h) any representations made, within the period referred to in section 14A (b), by a council to which a copy of the application was forwarded under section 14A (a).

State Transport (Co-ordination) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) Section 17A—

After section 17, insert :—

Variations
of licenses.

17A. (1) The holder of a license may, at any time during the currency of the license, apply to the Commissioner to vary the license or any term, condition or authority contained in, of or attached to the license, except where the term, condition or authority is imposed in conformity with an express requirement of this Act or the regulations.

(2) An application under subsection (1) shall be made in the prescribed form and manner and shall contain particulars of the variation in respect of which the application is made.

(3) An application under subsection (1) shall be accompanied by such fee, if any, as may be prescribed.

(4) Section 14A applies to and in respect of an application under subsection (1) which involves any change of or variation in a route on which a service is provided under a license to operate a motor omnibus wholly within or from within a local government area (not being a local government area wholly within a transport district) in the same way as it applies to and in respect of an application referred to in that section.

(5) Subsections (3) and (4) of section 17 apply to and in respect of an application under subsection (1) in the same way as those subsections apply to and in respect of an application for a license.

(6) Nothing in this section limits or affects any power of the Commissioner under section 18 (11).

State Transport (Co-ordination) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(6) Section 24—

Omit the section, insert instead :—

24. (1) A person, being—

Appeals.

- (a) an applicant for a license, the renewal of a license, the variation of a license or any term, condition or authority contained in, of or attached to the license or the transfer of a license;
- (b) the holder of a license; or
- (c) the council of a local government area (not being a local government area wholly within a transport district) in which an applicant for or the holder of a license proposes to operate or operates a public passenger vehicle,

who is dissatisfied with any decision of the Commissioner under this Act with respect to the application or license may appeal against that decision to the Transport Appeal Court established under section 167 of the Transport Act, 1930.

(2) The procedure with respect to an appeal under subsection (1) shall be as prescribed by the rules of the Transport Appeal Court.

(3) Subsections (4) and (5) of section 168 of the Transport Act, 1930, apply to and in respect of an appeal under subsection (1) in the same way as they apply to and in respect of an appeal under section 168 (1) of that Act and in so applying those subsections the reference—

(a) in section 168 (4) of that Act to—

- (i) “this Act” shall be read and construed as if it were a reference to this Act; and

State Transport (Co-ordination) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (ii) “the regulations” shall be read and construed as if it were a reference to the regulations made under this Act; and
 - (b) in section 168 (5) of that Act to “the Trust” shall be read and construed as if it were a reference to the Commissioner.
- (7) (a) Section 48 (8) (a) (iii)—
After “renewal,” insert “variation,”.
- (b) Section 48 (8) (d1)—
After section 48 (8) (d), insert :—
(d1) the fixing of stands in public places for public motor vehicles and preventing the use of those stands by private vehicles;
- (8) Further Schedule—
Omit “Sections 1 to 15 inclusive.”, insert instead :—
Sections 1 to 14 inclusive.
Section 15.

Sec. 5.

SCHEDULE 2.

AMENDMENTS TO THE PRINCIPAL ACT FOR THE
PURPOSE OF METRIC CONVERSION.

- (1) (a) Section 18 (4)—
Omit “five-sixths of a cent” wherever occurring, insert instead “0.52 cents”.

State Transport (Co-ordination) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FOR THE
PURPOSE OF METRIC CONVERSION—*continued.*

(b) Section 18 (4)—

Omit “mile”, insert instead “kilometre”.

(c) Section 18 (5)—

Omit “mileage” wherever occurring, insert instead
“distance”.

(d) Section 18 (5)—

Omit “two and one-half cents per ton”, insert instead
“1.55 cents per tonne”.

(e) Section 18 (5)—

Omit “mile”, insert instead “kilometre”.

(f) Section 18 (8)—

Omit “twenty miles”, insert instead “35 kilometres”.

(2) (a) Section 22 (4) (a)—

Omit “five-sixths of a cent per mile”, insert instead
“0.52 cents per kilometre”.

(b) Section 22 (4) (b)—

Omit “two and one-half cents per ton”, insert instead
“1.55 cents per tonne”.

(c) Section 22 (4) (b)—

Omit “mile”, insert instead “kilometre”.

State Transport (Co-ordination) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FOR THE
PURPOSE OF METRIC CONVERSION—*continued.*

(3) Section 30 (2)—

Omit “twenty miles” wherever occurring, insert instead
“35 kilometres”.

Sec. 5.

SCHEDULE 3.

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION.

PART 1.

(1) Long title—

Omit “Acts, 1912–1930”, insert instead “Act, 1912”.

(2) (a) Section 3 (1), definitions of “Board”, “Chief Commissioner”—

Omit the definitions.

(b) Section 3 (1), definition of “Commissioner”—

Omit the definition, insert instead :—

“Commissioner” means the Commissioner for
Motor Transport.

(c) Section 3 (1), definition of “Commissioner of Road Transport”—

Omit the definition.

State Transport (Co-ordination) Amendment.

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

PART 1—*continued.*

- (d) Section 3 (1), definitions of “Main Roads Board”,
“Management Board”—

Omit the definitions.

- (e) Section 3 (1), definition of “Prescribed”—

Omit the definition.

- (f) Section 3 (1), definition of “Public motor vehicle”—

(i) Omit “(i)”, insert instead “(a)”.

(ii) Omit “whatsoever, or”, insert instead “whatsoever; or”.

(iii) Omit “(ii)”, insert instead “(b)”.

- (g) Section 3 (1), definition of “Public Service”—

Omit the definition.

- (h) Section 3 (1), definition of “Railway Commissioners”—

Omit the definition.

- (i) Section 3 (1), definition of “Secretary”—

Omit the definition.

- (j) Section 3 (1), definition of “Transport Trust”—

Omit the definition.

- (k) Section 3 (2)—

Omit the subsection.

State Transport (Co-ordination) Amendment.

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

PART 1—*continued.*

(3) Sections 4, 5 and 6—

Omit the sections.

(4) Section 8—

Omit the section, insert instead :—

Minister
or Commis-
sioner may
require
information.

8. (1) The Minister may, at any time, require a person subject to his control and direction to furnish to him all such information as he may require.

(2) The Commissioner may, at any time, require a person subject to the control and direction of the Minister to furnish to him all such information as the Commissioner may require.

(3) A person subject to the control and direction of the Minister shall, at any time, allow the Minister, the Commissioner or any officer authorised by the Minister or the Commissioner to inspect all books, papers, documents, accounts, buildings, property and places under his or its control.

(5) Section 10 (2), (3)—

Omit the subsections.

(6) (a) Section 11 (1), (2)—

Omit the subsections, insert instead :—

(1) For the purposes of the administration of this Act, the Commissioner may, with the approval of the Minister and of the Department or public authority

State Transport (Co-ordination) Amendment.

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

PART 1—*continued.*

concerned and on such terms as may be arranged,
make use of the facilities, or the services of any
officers, employees or servants, of any Department of
the Government or of any public authority.

(b) Section 11 (3)—

Omit “the Act”, insert instead “this Act”.

(7) Section 14 (2) (d)—

Omit “1909–1930, and”, insert instead “1909, or”.

(8) (a) Section 16 (9)—

Omit “as subsequently amended,” wherever occurring.

(b) Section 16 (9) (a)—

Omit “, or by any Act amending or replacing that
Act”.

(c) Section 16 (11), (12) (b)—

Omit “this Act” wherever occurring, insert instead
“the Motor Vehicles and Government Railways
(Miscellaneous Provisions) Act, 1969,”.

(d) Section 16 (13), (14)—

Omit “mentally ill” wherever occurring, insert instead
“a temporary patient, a continued treatment patient”.

State Transport (Co-ordination) Amendment.

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*PART 1—*continued.*

(e) Section 16 (13), (14)—

Omit “, as subsequently amended” wherever occurring, insert instead “or a person under detention under Part VII of that Act”.

(9) (a) Section 18 (2)—

Omit “the Railway Commissioners”, insert instead “the State Rail Authority of New South Wales”.

(b) Section 18 (4), (5)—

Omit “them” wherever occurring, insert instead “him”.

(c) Section 18 (4), (10)—

Omit “it” wherever occurring, insert instead “him”.

(d) Section 18 (9) (b)—

Omit “the said subsection”, insert instead “subsection (5)”.

(e) Section 18 (10), (12)—

Omit “subsection” wherever secondly occurring.

(10) Section 20 (1) (c)—

Omit the paragraph, insert instead :—

(c) a proprietor of a receiving depot,
shall, unless he is the holder of a license as agent, granted by the Commissioner under this Act, be guilty of an offence against this Act.

State Transport (Co-ordination) Amendment.

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

PART 1—*continued.*

(11) Section 21 (1)—

Omit “subsection (8) or (9) of section 18”, insert instead
“section 18 (8) or (9)”.

(12) Section 23 (1)—

Omit “to the Commissioner of Road Transport or to the
Management Board or any transport trust or to the Rail-
way Commissioners or to the Main Roads Board or to
the Commissioner of Police or”.

(13) (a) Section 26 (4)—

Omit “as amended by subsequent Acts”.

(b) Section 26 (7)—

Omit “Colonial”.

(c) Section 26 (7)—

Omit “Acts, 1924–1950, the Government Railways
Fund, established under the Government Railways
Act, 1912–1951, or to the general fund of any
transport trust,”, insert instead “Act, 1924, the State
Rail Authority Fund or the Urban Transit Authority
Fund (being funds established under section 56 of
the Transport Authorities Act, 1980),”.

(14) Section 27—

Omit “twenty dollars”, insert instead “\$20”.

State Transport (Co-ordination) Amendment.

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*PART 1—*continued.*

(15) (a) Section 31—

Omit “them”, insert instead “it”.

(b) Section 31—

Omit “four hundred dollars”, insert instead “\$400”.

(16) Section 36—

Omit “one thousand dollars”, insert instead “\$1,000”.

(17) Section 37 (1)—

Omit “them”, insert instead “the Commissioner”.

(18) (a) Section 38 (1)—

Omit “two justices of the peace or”.

(b) Section 38 (1)—

Omit “or police”.

(19) (a) Section 38A (1)—

Omit “three hundred dollars”, insert instead “\$300”.

(b) Section 38A (1)—

Omit “subsection (4) or subsection (5) of section 18”, insert instead “section 18 (4) or (5)”.

State Transport (Co-ordination) Amendment.

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

PART 1—*continued.*

(c) Section 38A (2)—

Omit “1902–1947”, insert instead “1902”.

(20) Section 39 (1)—

Omit “subsection (4) or (5) of section 18”, insert instead
“section 18 (4) or (5)”.

(21) Section 42—

Omit “two or more”, insert instead “2 or more”.

(22) Section 44 (i)—

Omit “within the meaning of this Act”.

(23) (a) Section 45—

Omit “the seal of”, insert instead “the hand of”.

(b) Section 45—

Omit “subsection (4) of section 18 or under subsection (5) of that section”, insert instead “section 18 (4) or (5)”.

(24) Section 47 (1)—

Omit the subsection, insert instead :—

State Transport (Co-ordination) Amendment.

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*PART 1—*continued.*

(1) A reference in this Act to an authorised officer is a reference to—

- (a) a person authorised by the Commissioner;
- (b) a person authorised by the Secretary of the Department of Motor Transport;
- (c) a member of the police force authorised by the Commissioner of Police;
- (d) an officer of the State Rail Authority of New South Wales authorised by the Chief Executive of that Authority; and
- (e) an officer of the Urban Transit Authority of New South Wales authorised by the Managing Director of that Authority.

(25) Section 48 (2)—

Omit the subsection, insert instead :—

(2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(26) Section 49—

Omit “the Schedule to this Act”, insert instead “Schedule 1”.

State Transport (Co-ordination) Amendment.

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

PART 1—*continued.*

- (27) (a) The Schedule, heading—
Omit the heading, insert instead “SCHEDULE 1.”.
- (b) The Schedule, clauses 1–3—
Omit the clauses.
- (c) The Schedule, clause 5—
Omit “they so think”, insert instead “he thinks”.
- (d) The Schedule, clauses 6, 7—
Omit the clauses.
- (e) The Schedule, clause 8—
Omit “two thousand dollars”, insert instead “\$2,000”.
- (f) The Schedule, clause 8—
Omit “one year”, insert instead “1 year”.
- (g) The Schedule, clauses 9–16—
Omit the clauses.
- (h) The Schedule, clause 17—
Omit “any commissioner or by any officer or other person appointed or employed by the board”, insert instead “the Commissioner or by an officer of the Department of Motor Transport”.

State Transport (Co-ordination) Amendment.

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

PART 1—*continued.*

(i) The Schedule, clause 17—

Omit “such commissioner”, insert instead “the Commissioner”.

(j) The Schedule, clause 18—

Omit the clause.

(28) Further Schedule, heading—

Omit the heading, insert instead “SCHEDULE 2.”.

PART 2.

- (1) Sections 3 (1), definition of “Officer”; 10 (1); 11 (3); 12 (1); 13; 14 (1); 16 (5), (6); 17 (2), (3), (4); 18 (2), (4), (5), (6), (7), (8), (9), (10), (11), (12); 19 (1), (2); 20 (1) (c), (4), (5), (6); 21 (1); 22 (1), (2), (4); 23 (1), (2), (3); 25; 26 (3), (4), (6); 37 (1); 44; 45; 46; 48 (1), (6), (8) (g), (h), (j); 50; The Schedule, clauses 4, 5, 8—

Omit “board” wherever occurring, insert instead “Commissioner”.

- (2) Sections 11 (3); 18 (8), (9) (b); 19 (1)—

Omit “they think” wherever occurring, insert instead “he thinks”.

State Transport (Co-ordination) Amendment.

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

PART 2—*continued.*

(3) Sections 11 (3); 17 (3); 18 (11)—

Omit “they may” wherever occurring, insert instead “he may”.

(4) Sections 16 (1), (2); 21 (3)—

Omit “1909–1930” wherever occurring, insert instead “1909”.

(5) Sections 16 (6); 22 (1); 46 (a)—

Omit “it” wherever occurring, insert instead “he”.

(6) Sections 16 (7), (8); 26 (7); 38A (1), (3)—

Omit “for Road Transport and Tramways” wherever occurring.

(7) Sections 16 (9), (11), (12), (b), (13), (14), (15), (16);
39 (1)—

Omit “for Motor Transport” wherever occurring.

(8) Sections 18 (1); 29 (2); 30 (4); 32 (2); 33; 34; 48 (3),
(4) (a), (b)—

Omit “two hundred dollars” wherever occurring, insert instead “\$200”.

State Transport (Co-ordination) Amendment.

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*PART 2—*continued.*

(9) Sections 18 (7); 22 (4); 50—

Omit “their” wherever occurring, insert instead “his”.

(10) Sections 18 (10); 20 (5); 23 (1)—

Omit “its” wherever occurring, insert instead “his”.

(11) Sections 25; 37 (1)—

Omit “subsections (4) and (5) of section 18” wherever occurring, insert instead “section 18 (4) and (5)”.

(12) Sections 26 (5); 31—

Omit “commissioner or” wherever occurring.

(13) Sections 31; 36—

Omit “one hundred dollars” wherever occurring, insert instead “\$100”.
