

TRANSPORT (AMENDMENT) ACT, 1983, No. 40

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 40, 1983.

An Act to amend the Transport Act, 1930, in relation to the promotion of officers within the Department of Motor Transport; and for other purposes. [Assented to, 22nd April, 1983.]

Transport (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:—

Short title.

1. This Act may be cited as the "Transport (Amendment) Act, 1983".

Schedules.

2. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE TRANSPORT ACT, 1930.

SCHEDULE 2.—AMENDMENTS TO THE TRANSPORT ACT, 1930, BY WAY OF STATUTE LAW REVISION.

Amendment of Act No. 18, 1930.

3. The Transport Act, 1930, is amended in the manner set forth in Schedules 1 and 2.

Validation.

4. (1) All things done or omitted to be done at any time before the commencement of this Act that would have been valid had the amendments made by this Act been in force at that time are hereby validated.

(2) Any appointment made or purporting to have been made to a vacancy within the Department of Motor Transport before the commencement of this Act shall be deemed not to have been invalidly made by reason that—

- (a) applications for appointment to the vacant office were not invited from officers in all branches of the Department; or
- (b) the person appointed had not made an application for appointment to the vacant office,

and accordingly is hereby validated.

Transport (Amendment).

(3) Nothing in this section affects any decision made or given before the commencement of this Act by a court, the Appeal Board constituted under the Transport Act, 1930, or a Transport Appeal Board constituted under the Transport Appeal Boards Act, 1980.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE TRANSPORT ACT, 1930.

(1) Section 104c (1)—

Omit "special grade clerk", insert instead "Group 7 officer within the Department of Motor Transport".

(2) Section 104c (2)—

Omit "and rank, position or grade".

(3) Section 104c (2)—

Omit "In all cases, rank, position or grade shall be subordinated to conditions of special fitness.", insert instead:—

The officer to be appointed shall be (in a case to which paragraph (a) applies) the officer in the branch, or (in a case to which paragraph (b) applies) the applicant from any branch, who possesses the greatest fitness for the vacant office.

Where there are 2 or more officers or applicants, as the case may require, each equally possessing such fitness for the vacant office, the officer to be appointed shall be the most senior of them in rank, position or grade.

Transport (Amendment).

SCHEDULE 2.

(Sec. 3.)

AMENDMENTS TO THE TRANSPORT ACT, 1930, BY WAY OF STATUTE LAW
REVISION.

(1) Section 102 (4)—

Omit the subsection.

(2) (a) Section 104 (4) (b)—

Omit “the Appeal Board constituted under section 114”, insert instead “a Transport Appeal Board”.

(b) Section 104 (4) (b)—

Omit “such Appeal Board”, insert instead “such a Board”.

(3) (a) Section 104c (3)—

Omit “the Appeal Board constituted under this Act”, insert instead “a Transport Appeal Board”.

(b) Section 104c (3)—

Omit “the Appeal Board” where lastly occurring, insert instead “such a Board”.

(4) Section 113 (1)—

Omit “in the branch”.