

TRANSPORT (AMENDMENT) ACT 1988 No. 37

NEW SOUTH WALES



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TRANSPORT (AMENDMENT) ACT 1988 No. 37

NEW SOUTH WALES



Act No. 37, 1988

An Act to amend the Transport Act 1930 with respect to the licensing of bus services and the registration of buses. [Assented to 6 July 1988]

Transport (Amendment) 1988

The Legislature of New South Wales enacts:**Short title**

1. This Act may be cited as the Transport (Amendment) Act 1988.

Commencement

2. This Act commences when the State Transport (Co-ordination) Amendment Act 1988 commences.

Amendment of Transport Act 1930 No. 18

3. The Transport Act 1930 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 135 (Motor omnibus services to be licensed)—

Section 135 (1B)—

After section 135 (1A), insert:

(1B) The Commissioner may, by written notice, exempt a person carrying on a motor omnibus service which conveys passengers—

(a) from a place outside a district to a place within the district;
or

(b) from a place within a district to a place outside the district,
from the requirement to hold a service licence in respect of that service.

(2) Section 137 (Service licence)—**(a) Section 137 (3)—**

Omit "In", insert instead "Except as provided by subsection (6), in".

(b) Section 137 (6), (7)—

After section 137 (5), insert:

(6) The Commissioner shall not take into consideration the matters referred to in subsections (3) (b), (c) and (d) and (5) in determining whether or not to grant any application for a service licence with respect to a motor omnibus service—

(a) being a licence which will be subject to conditions prescribed or imposed under section 138 and requiring—

SCHEDULE 1—AMENDMENTS—*continued*

- (i) that each passenger carried on the omnibus providing the service must be carried for at least 40 kilometres (subject to specified exceptions such as would permit travel of less than 40 kilometres on either of two integrated omnibus services where the total distance the passenger travels is at least 40 kilometres); and
 - (ii) that no passenger will be carried on the service on a journey wholly within the Metropolitan Transport District; or
 - (b) being a licence which will be subject to conditions prescribed or imposed under section 138 and requiring—
 - (i) that each passenger carried on the omnibus providing the service must be carried for the purposes of tourism or that the service must be provided on a charter basis; and
 - (ii) that no passenger will be carried on the service on a journey wholly within any area prescribed by the regulations for the purposes of this paragraph.
 - (7) Regulations may be made varying the distance referred to in subsection (6) (a).
- (3) **Section 138A (Variations of conditions)—**
 Section 138A (4)—
 Omit “referred to in section 137 (3) and (5) as may appear relevant.”, insert instead:
 referred to in section 137 (3) and (5)—
 (a) as would be required to be taken into account if the application were for a service licence; and
 (b) as may appear relevant to the Commissioner.
- (4) **Section 144—**
 Omit the section, insert instead:
Registration of motor omnibuses
 144. No person shall use any vehicle on a motor omnibus service the route of which is wholly or partly within any district unless the vehicle—
 (a) is registered as a motor omnibus in pursuance of this Act or the Motor Traffic Act 1909; or
 (b) is registered as a motor omnibus under the law of another State or a Territory and is licensed under the State Transport (Co-ordination) Act 1931; or

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SCHEDULE 1—AMENDMENTS—*continued*

(c) is a taxi-cab that is the subject of a contract or an arrangement entered into under, and for the time being approved by the Commissioner in accordance with, section 134A.

- (5) Section 237 (**Owner not to allow unregistered public vehicle to be driven**)—

Omit “pursuant to this Act”, insert instead “as referred to in section 144”.

- (6) Section 238 (**Driving unregistered public vehicle**)—

Section 238 (1)—

Omit “pursuant to this Act”, insert instead “as referred to in section 144”.

- (7) Section 241 (**Number-plates**)—

Section 241 (2)—

After “registration”, insert “, whether within or outside New South Wales, ”.
