

**STATE TRANSPORT (CO-ORDINATION) AMENDMENT
ACT 1987 No. 297**

NEW SOUTH WALES



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STATE TRANSPORT (CO-ORDINATION) AMENDMENT ACT 1987
No. 297

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Act No. 297, 1987

An Act to amend the State Transport (Co-ordination) Act 1931 with respect to the granting of licences under that Act and the conditions to which those licences are subject. [Assented to 16 December 1987]

State Transport (Co-ordination) Amendment 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the State Transport (Co-ordination) Amendment Act 1987.

Amendment of Act No. 32, 1931

2. The State Transport (Co-ordination) Act 1931 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 2)

(1) Section 3 (**Definitions**)—

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

Omit the definition, insert instead:

“Public passenger vehicle” means a motor vehicle—

- (a) used or let or intended to be used or let; or
- (b) plying or travelling or standing in a public street,

for the conveyance of passengers for hire or for any consideration or in the course of any trade or business, but does not include a vehicle used or let as referred to in subsection (3) or a vehicle of any prescribed class or description.

(b) Section 3 (3)—

After section 3 (2), insert:

(3) A vehicle which is used or let for hire or for any consideration for the conveyance of goods or for some other purpose is not, for the purposes of this Act, a public passenger vehicle merely because, incidentally to the purpose for which it is used or let, it is used to convey any passenger.

(2) Section 17 (**Certain conditions of licence**)—

(a) Section 17 (2) (a)—

Omit “charges” where firstly occurring, insert instead “other arrangements for remuneration”.

(b) Section 17 (2) (a)—

Omit “charges to be made”, insert instead “rates of remuneration to be charged”.

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SCHEDULE 1—AMENDMENTS—*continued*

(c) Section 17 (2A), (2B)—

After section 17 (2), insert:

(2A) For the purposes of subsection (2), the Commissioner, in respect of a motor omnibus—

(a) may, instead of or in addition to determining fares, approve of an arrangement for the remuneration of the holder of the licence for the motor omnibus, by passengers or by some person on their behalf, on a contractual basis that provides for—

(i) a single payment, in respect of the provision of a motor omnibus service to those passengers over a period or periods defined by the contract; or

(ii) periodic payments in respect of a service so provided; and

(b) may, if the Commissioner considers it to be in the public interest, be a party to such a contract with the holder of the licence for the motor omnibus.

(2B) The fares to be charged, or other arrangements for remuneration to be made, in respect of a licensed motor omnibus shall be determined by the Commissioner having regard to—

(a) the public interest;

(b) the profitability of the holder of the licence in respect of any service to be provided under the authority of the licence and any other services in the same ownership; and

(c) the general level of fares or other rates of remuneration applying to motor omnibus services.

(d) Section 17 (3)—

Omit “consider all such matters as he may think necessary or desirable, and in particular (where applicable) shall have regard to”, insert instead “have regard primarily to the extent to which any service to be provided under the licence is necessary or desirable in the public interest, but shall also take into consideration (where applicable)”.

(e) Section 17 (3) (c)—

Omit the paragraph, insert instead:

(c) the need to avoid unnecessary or wasteful competition or overlapping of services;

(f) Section 17 (3) (d)—

Omit “rail or tram”, insert instead “means other than by road”.

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SCHEDULE 1—AMENDMENTS—*continued*

- (g) Section 17 (3) (f1)—
After section 17 (3) (f), insert:
(f1) any directions given under section 38 of the Transport Authorities Act 1980;
- (3) Section 17A (**Variations of licences**)—
Section 17A (2)—
Omit “in the prescribed form and manner”, insert instead “in writing”.
- (4) Section 18 (**Certain obligations in respect of public motor vehicles**)—
Section 18 (12)—
After section 18 (11), insert:
(12) The Commissioner shall not effect such a variation of or addition to the terms, conditions or authorities in respect of a licence unless the Commissioner has afforded the holder of the licence an opportunity to be heard as to any objection the holder of the licence may have to the variation or addition.