

**STATE TRANSPORT (CO-ORDINATION) (TRANSPORT
ADMINISTRATION) AMENDMENT ACT 1988 No. 113**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of State Transport (Co-ordination) Act 1931 No. 32

SCHEDULE 1—AMENDMENTS

**STATE TRANSPORT (CO-ORDINATION) (TRANSPORT
ADMINISTRATION) AMENDMENT ACT 1988 No. 113**

NEW SOUTH WALES



Act No. 113, 1988

An Act to amend the State Transport (Co-ordination) Act 1931 as a consequence of the enactment of the Transport Administration Act 1988 and the repeal of the Transport Act 1930; and for other purposes. [Assented to 21 December 1988]

*State Transport (Co-ordination) (Transport Administration) Amendment 1988***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the State Transport (Co-ordination) (Transport Administration) Amendment Act 1988.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of State Transport (Co-ordination) Act 1931 No. 32

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

SCHEDULE 1—AMENDMENTS

(Sec. 3)

- (1) The whole Act (except any provision or matter being omitted by this Act)—
Omit “Commissioner” wherever occurring, insert instead “Secretary”.
- (2) Section 1 (**Short title**)—
Omit “State Transport (Co-ordination) Act”, insert instead “Transport Licensing Act”.
- (3) Section 3 (**Definitions**)—
- (a) Section 3 (1), definition of “Agent”—
Omit the definition.
- (b) Section 3 (1), definition of “Commissioner”—
Omit the definition.
- (c) Section 3 (1), definition of “Officer”—
Omit the definition, insert instead:
“Officer” means any person employed by the State Transit Authority, or any other person, of whose services the Secretary makes use for the purposes of the administration of this Act, and includes any member of the Police Force.
- (d) Section 3 (1), definition of “Secretary”—
After the definition of “Regulations”, insert:
“Secretary” means the Secretary of the Ministry of Transport.
- (e) Section 3 (1), definition of “Transport district”—
Omit the definition, insert instead:

*State Transport (Co-ordination) (Transport Administration) Amendment 1988*SCHEDULE 1—AMENDMENTS—*continued*

“Transport district” means a transport district for the time being established under section 107 of the Transport Administration Act 1988.

- (f) Section 3 (2)—
Omit the subsection.
- (4) Section 4A—
After section 3B, insert:
Act applies to STA and SRA
4A. (1) This Act applies to and in respect of public passenger vehicles or ferries owned or operated by the State Transit Authority or the State Rail Authority.
(2) The regulations may exclude any such vehicle or ferry from a specified provision of this Act on such conditions (if any) as may be specified in the regulations.
- (5) Section 8 (**Minister or Commissioner may require information**), section 10 (**Advice and reports by Commissioner**), section 11 (**Temporary transfer and utilisation of officers of authorities etc.**)—
Omit the sections.
- (6) Section 14 (**Licences**)—
(a) Section 14 (2) (d)—
Before “particulars”, insert “if available,”.
(b) Section 14 (3), (4), (5)—
Omit “determined” wherever occurring, insert instead “prescribed”.
(c) Section 14 (6)—
Omit “Commissioner’s”, insert instead “Secretary’s”.
- (7) Section 16 (**Provisions relating to licences**)—
(a) Section 16 (1) (a)—
Omit “or the Transport Act 1930”.
(b) Section 16 (1)—
Omit “Motor Traffic” wherever occurring, insert instead “Traffic”.
(c) Section 16 (9)—
Omit the subsection, insert instead:
(9) An application for the transfer of a licence for a taxi-cab or private hire car shall not be granted by the Secretary if the appropriate transfer tax under the Transfer of Public Vehicles (Taxation) Act 1969 has not been paid.

*State Transport (Co-ordination) (Transport Administration) Amendment 1988*SCHEDULE 1—AMENDMENTS—*continued*

- (d) Section 16 (11), (12)—
Omit the subsections.
- (8) Section 16A—
After section 16, insert:
Issue of licences in conjunction with registration
16A. (1) A licence for a public passenger vehicle may, at the direction of the Secretary, be included in the form of registration for the vehicle issued under the Traffic Act 1909 by the Roads and Traffic Authority.
(2) A licence issued by the Roads and Traffic Authority under subsection (1) shall be taken to have been issued by the Secretary.
(3) Any fee paid in connection with a licence so issued may be collected by the Roads and Traffic Authority and paid to the Secretary.
(4) The Authority may retain from any fee required to be paid to the Secretary such commission as may be agreed between the Authority and the Secretary.
- (9) Section 17 (**Certain conditions of licence**)—
(a) Section 17 (2) (c) (ii)—
Omit “section 134A of the Transport Act 1930 or section 17B of this Act”, insert instead “section 17B”.
(b) Section 17 (3) (f1)—
Omit the paragraph.
(c) Section 17 (3) (g)—
Omit the paragraph, insert instead:
(g) the construction and equipment of the vehicle; and
- (10) Section 17A (**Variations of licence**)—
Section 17A (3)—
Omit “determined”, insert instead “prescribed”.
- (11) Section 17C (**Taxi-cab not to be regarded as such while operating on an omnibus route**)—
Omit “or the Transport Act 1930, or of the regulations in force under either of those Acts”, insert instead “or the regulations”.
- (12) Section 20 (**Agents etc. to be licensed**)—
Omit the section.

*State Transport (Co-ordination) (Transport Administration) Amendment 1988*SCHEDULE 1—AMENDMENTS—*continued*

- (13) Section 21 (**Cancellation of licence**)—
- (a) Section 21 (1) (a)—
Omit “or the Transport Act 1930” and “in force under either of those Acts”.
- (b) Section 21 (3)—
Omit “the Motor Traffic Act 1909, the Transport Act 1930”, insert instead “the Traffic Act 1909”.
- (14) Section 22 (**Permits to use vehicle for carriage of passengers**)—
Section 22 (1)—
Omit “determined”, insert instead “prescribed”.
- (15) Section 22A (**Stand-by taxi-cabs**)—
Section 22A (2) (b), (c)—
Omit “Motor Traffic” wherever occurring, insert instead “Traffic”.
- (16) Section 23 (**Delegation**)—
Omit the section.
- (17) Section 24 (**Appeals**)—
- (a) Section 24 (1)—
Omit “the Transport Appeal Court established under section 167 of the Transport Act 1930”, insert instead “the District Court”.
- (b) Section 24 (2)—
Omit “the Transport Appeal Court”, insert instead “the District Court”.
- (c) Section 24 (3)—
Omit the subsection, insert instead:
(3) The determination of the District Court on any appeal under subsection (1) shall be final and the Secretary shall give effect to the determination.
- (18) Section 28A—
After section 28, insert:
Conveyance of luggage by unlicensed vehicle
28A. (1) A person shall not cause or permit any motor vehicle to stand or ply for hire or for any consideration in a public street for the conveyance of luggage unless the vehicle is a public passenger vehicle which is—
(a) licensed under this Act; or
(b) exempt from the requirement to be licensed under this Act.

*State Transport (Co-ordination) (Transport Administration) Amendment 1988*SCHEDULE 1—AMENDMENTS—*continued*

(2) A person who contravenes this section is guilty of an offence against this Act.

(19) Section 29 (**Advertisements**)—

Section 29 (1) (ii)—

Omit the paragraph.

(20) Section 30 (**Records to be kept**)—

Omit the section.

(21) Section 44 (**Prima facie evidence**)—

Section 44 (f)—

Omit the paragraph.

(22) Section 46A—

After section 46, insert:

Hours of employment of drivers of taxi-cabs and private hire cars
(cf. Transport Act 1930, s. 239A)

46A. (1) If the hours of employment of the drivers of taxi-cabs or private hire cars or of any class of taxi-cabs or private hire cars are regulated by an award or industrial agreement, the provisions of the award or agreement regulating those hours, to the extent that any such drivers or their employees (if any) are not bound by the award or agreement, shall by force of this section be deemed to apply to and bind those drivers and any such employees.

(2) A driver who contravenes any such provisions applied by this section is guilty of an offence.

(3) This section applies only to taxi-cabs or private hire cars operating within a transport district.

(23) Section 47 (**Authorised officer**)—

Section 47 (1)—

Omit the subsection, insert instead:

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

(a) a person authorised by the Secretary; or

(b) a member of the Police Force authorised by the Commissioner of Police.

(24) Section 49 (**Schedule 1**), section 50 (**Report**)—

Omit the sections

State Transport (Co-ordination) (Transport Administration) Amendment 1988

SCHEDULE 1—AMENDMENTS—*continued*

(25) Schedule 1 (**Business and rules etc.**)—

Omit the Schedule.

(26) Schedules 2, 4—

- (a) Omit “to 20 inclusive” wherever occurring, insert instead “and 19”.
- (b) Omit “Sections 22 and 23” wherever occurring, insert instead “Section 22”.
- (c) Omit “50” wherever occurring, insert instead “48”.

[*Minister's second reading speech made in—
Legislative Assembly on 17 November 1988
Legislative Council on 1 December 1988*]
