

**STATE TRANSPORT (CO-ORDINATION) AMENDMENT
ACT 1988 No. 36**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of State Transport (Co-ordination) Act 1931 No. 32
4. Amendment of Transport Accidents Compensation Act 1987 No. 101
5. Transitional provision

SCHEDULE 1—AMENDMENTS

STATE TRANSPORT (CO-ORDINATION) AMENDMENT ACT 1988
No. 36

NEW SOUTH WALES



Act No. 36, 1988

An Act to amend the State Transport (Co-ordination) Act 1931 to remove certain restrictions on the licensing of bus services; and for other purposes.
[Assented to 6 July 1988]

See also Transport (Amendment) Act 1988.

State Transport (Co-ordination) Amendment 1988

The Legislature of New South Wales enacts:

Short title

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

Commencement

2. This Act commences on a day 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.

Amendment of Transport Accidents Compensation Act 1987 No. 101

4. The Transport Accidents Compensation Act 1987 is amended—

(a) by inserting after section 3 (6) the following subsection:

(7) For the purposes of this Act, a motor vehicle which is licensed under the State Transport (Co-ordination) Act 1931 but not registered under the Motor Traffic Act 1909 or the Transport Act 1930 is to be taken to be registered under the Motor Traffic Act 1909, but only if the amount which would have been paid under section 24 if the vehicle was registered under the Motor Traffic Act 1909 for the term of the licence has been paid to the Commissioner for Motor Transport.

(b) by inserting in section 25 after the matter “24 (1) or (2)” the words “of this Act or section 16 (1) of the State Transport (Co-ordination) Act 1931”.

Transitional provision

5. Section 16 (2) of the State Transport (Co-ordination) Act 1931 (as in force immediately before the commencement of this Act) applies to a licence issued under that Act for a public passenger vehicle before that commencement as if that provision had not been amended by this Act.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 14 (Licences)—

Section 14 (2) (d)—

Omit “under the Motor Traffic Act 1909, or the Transport Act 1930”, insert instead “,whether within or outside New South Wales”.

*State Transport (Co-ordination) Amendment 1988*SCHEDULE 1—AMENDMENTS—*continued*(2) Section 16 (**Issue of licences**)—

Section 16 (1)–(3)—

Omit section 16 (1) and (2), insert instead:

(1) A licence shall not be issued under this Act for a public passenger vehicle unless—

- (a) it is registered under the Motor Traffic Act 1909 or the Transport Act 1930; or
- (b) it is registered under the law of another State or a Territory and the Commissioner is satisfied that the vehicle is fit for safe use on public streets and is also satisfied—
 - (i) that the amount which would have been payable under section 24 of the Transport Accidents Compensation Act 1987 before the vehicle could be registered under the Motor Traffic Act 1909 for the term of the licence has been paid to the Commissioner; or
 - (ii) that adequate provision has otherwise been made for any person who may suffer injury arising out of use of the vehicle in accordance with the licence.

(2) A licence issued for a public passenger vehicle continues in force for a period determined by the Commissioner and specified in the licence.

(3) The Commissioner may extend the period referred to in subsection (2) by giving written notice to that effect to the holder of the licence.

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

(a) Section 17 (3)—

Omit “In”. insert instead “Except as provided by subsection (3A), in”.

(b) Section 17 (3A), (3B)—

After section 17 (3), insert:

(3A) The Commissioner shall not have regard to the matters referred to in subsection (3) (b), (c) and (d) in dealing with an application for a licence for a motor omnibus—

- (a) being a licence which will be subject to conditions prescribed or determined under this section and requiring—

State Transport (Co-ordination) Amendment 1988

SCHEDULE 1—AMENDMENTS—*continued*

- (i) that each passenger carried on the omnibus 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 omnibus on a journey wholly within the Metropolitan Transport District; or
 - (b) being a licence which will be subject to conditions prescribed or determined under this section and requiring—
 - (i) that each passenger carried on the omnibus must be carried for the purposes of tourism or that the service on which the omnibus is used must be provided on a charter basis; and
 - (ii) that no passenger will be carried on the omnibus on a journey wholly within any area prescribed by the regulations for the purposes of this paragraph.
- (3B) Regulations may be made varying the distance referred to in subsection (3A) (a).
- (4) Section 17A (**Variations of licences**)—
- Section 17A (5)—
- Omit “Subsections (3) and (4)”, insert instead “Subsections (3)–(4)”.
- (5) Section 21 (**Cancellation of licence**)—
- Section 21 (3)—
- Omit “, or the Transport Act 1930”, insert instead “, the Transport Act 1930 or the law of another State or a Territory”.
-