

STATE TRANSPORT (CO-ORDINATION) (TRANSPORT ADMINISTRATION) AMENDMENT BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Transport Administration Bill 1988.

The object of this Bill is to amend the State Transport (Co-ordination) Act 1931 so as—

- (a) to transfer to the Secretary of the Ministry of Transport the functions of the Commissioner for Motor Transport relating to the licensing and regulation of buses, taxi-cabs or other public passenger vehicles and ferries; and
- (b) to make consequential changes as a result of the proposed enactment of the Transport Administration Act 1988 and the proposed repeal of the Transport Act 1930; and
- (c) to change the short title of the Principal Act from the State Transport (Co-ordination) Act 1931 to the Transport Licensing Act 1931.

As a result of the proposed repeal of the Transport Act 1930, the licensing and control of buses, taxi-cabs and other public passenger vehicles in the Sydney, Newcastle and Wollongong metropolitan areas will no longer be duplicated. Such vehicles will continue to be licensed and regulated under the Principal Act and, in the case of buses, the conditions and restrictions imposed by service licences under the Transport Act 1930 will continue to be imposed by the relevant licences under the Principal Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision which gives effect to the Schedule of amendments.

SCHEDULE 1—AMENDMENTS

Schedule 1 (1) omits references in the Principal Act to the Commissioner for Motor Transport and replaces them with references to the Secretary of the Ministry of Transport.

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Schedule 1 (2) changes the short title of the Principal Act from the State Transport (Co-ordination) Act 1931 to the Transport Licensing Act 1931.

Schedule 1 (3) amends section 3 (Definitions).

Schedule 1 (3) (a) is consequential on the amendment made by Schedule 1 (12).

Schedule 1 (3) (b) omits the definition of "Commissioner" (being the Commissioner for Motor Transport) which is no longer required.

Schedule 1 (3) (c) substitutes the definition of "officer" so that it refers to persons employed by the State Transit Authority or other persons of whose services the Secretary makes use (instead of to officers of the Department of Motor Transport).

Schedule 1 (3) (d) inserts a definition of "Secretary", being the Secretary of the Ministry of Transport.

Schedule 1 (3) (e) substitutes the definition of "transport district" as a consequence of the transfer of provisions constituting any such district to the proposed Transport Administration Act 1988.

Schedule 1 (3) (f) omits a provision which provides that fees under the Principal Act are as determined by an order of the Commissioner of Motor Transport under the Transport Act 1930—the fees are to be prescribed by regulation.

Schedule 1 (4) inserts proposed section 4A. The proposed section makes it clear that buses or ferries owned or operated by the proposed State Transit Authority or the State Rail Authority are required to be licensed under the Principal Act in the same way as privately operated buses or ferries.

Schedule 1 (5) repeals section 8 (Minister or Commissioner may require information) and section 10 (Advice and reports by Commissioner). Those matters are to be dealt with under the proposed Transport Administration Act 1988. **Schedule 1 (5)** also repeals section 11 which deals with the staff employed for the purposes of the administration of the Principal Act. The proposed Transport Administration Act 1988 authorises the use of certain staff of the State Transit Authority for that purpose.

Schedule 1 (6) (a) enables an application for a licence to be made before the registration of the public vehicle concerned has been granted under the Traffic Act 1909.

Schedule 1 (6) (b) amends section 14 to provide for the fees payable in connection with licences to be prescribed by regulation.

Schedule 1 (6) (c) is consequential on the amendments made by Schedule 1 (1).

Schedule 1 (7) amends section 16 (Provisions relating to licences) as a consequence of the proposed enactment of the Motor Traffic (Transport Administration) Amendment Act 1988 and by way of statute law revision.

Schedule 1 (8) authorises licences under the Principal Act to be included in the registration of the public vehicle concerned under the Traffic Act 1909.

Schedule 1 (9) (a) is consequential on the repeal of the Transport Act 1930.

Schedule 1 (9) (b) is consequential on the repeal of the Transport Authorities Act 1980.

Schedule 1 (9) (c) omits from the matters to be considered in granting licences matters concerned with the fitness and suitability of the vehicle since they are to be matters for consideration in the registration of the vehicle under the Traffic Act 1909.

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Schedule 1 (10) amends section 17A to provide for the fees payable in connection with the variation of licences to be prescribed by regulation.

Schedule 1 (11) is consequential on the repeal of the Transport Act 1930.

Schedule 1 (12) omits provisions for the licensing of agents of public vehicle operators. The provisions have not been used in recent years. If necessary the activities of any such agents can be regulated by means of the conditions of licences granted to the operators of public vehicles.

Schedule 1 (13) is consequential on the repeal of the Transport Act 1930.

Schedule 1 (14) amends section 22 to provide for the fees for permits to use public passenger vehicles to be prescribed by regulation.

Schedule 1 (15) is consequential on the proposed change in the title of the Motor Traffic Act 1909.

Schedule 1 (16) omits the power of delegation in section 23 because the Secretary is to have a general power of delegation under the proposed Transport Administration Act 1988.

Schedule 1 (17) provides that appeals under the Principal Act are to be made to the District Court instead of the Judge of that Court who is constituted as the Transport Appeal Court under the Transport Act 1930.

Schedule 1 (18) inserts proposed section 28A. The proposed section prohibits the practice of conveying a passenger and the passenger's luggage in a motor vehicle and imposing a charge which is purportedly in respect of the conveyance of the luggage only. This practice has been a device for avoiding the requirement that a vehicle used to convey passengers for a charge be licensed under the Principal Act. The prohibition is presently contained in Regulation 141 of the regulations under the Motor Traffic Act 1909.

Schedule 1 (19)–(21) are consequential on the repeal of section 20 by Schedule 1 (12).

Schedule 1 (22) re-enacts section 239A of the Transport Act 1930 which relates to the hours of driving of taxi-cabs and private hire cars. The Motor Traffic Act 1909 at present deals only with the hours of driving of heavy vehicles.

Schedule 1 (23) amends section 47 (Authorised officers) as a consequence of the change in the staff to be used in the administration of the Principal Act.

Schedule 1 (24) and (25) omit provisions on matters which are to be dealt with in the proposed Transport Administration Act 1988.

Schedule 1 (26) makes miscellaneous consequential amendments.
