

STATE TRANSPORT (CO-ORDINATION) AMENDMENT BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

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

The Transport (Amendment) Bill 1988 is cognate with this Bill.

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

- (a) a bus may be licensed under that Act even if it is not registered in New South Wales if it is registered in another State or a Territory and the Commissioner for Motor Transport is satisfied that it is safe to use and is also satisfied—
 - (i) that TransCover contributions have been paid in respect of the bus; or
 - (ii) that other arrangements have been made for the compensation of persons injured as a consequence of use of the bus; and
- (b) the Commissioner is not to take into account matters relating to unnecessary competition or overlapping of services when deciding whether to grant licences for certain bus services.

The Bill also amends the Transport Accidents Compensation Act 1987 to extend the TransCover scheme to buses referred to in paragraph (a) above if contributions have been paid in respect of them.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a proclaimed day.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

Clause 4 amends section 3 of the Transport Accidents Compensation Act 1987 so that a bus in respect of which TransCover contributions have been paid will be treated as if it were registered in New South Wales even if, in fact, it is not so registered and amends section 25 of that Act so as to provide for payment of those contributions to the Government Insurance Office.

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Clause 5 is a transitional provision which provides that a licence for a bus issued before the commencement of the proposed Act will cease to have effect when the current registration of the bus expires. Any renewal of the licence will specify the period for which the licence continues in force in accordance with section 16 (2) of the Principal Act, as substituted by Schedule 1 (2).

SCHEDULE 1—AMENDMENTS**New South Wales registration of certain buses not required**

The Bill amends section 16 (Issue of licences) of the Principal Act to enable the licensing under that Act of buses which are not registered in New South Wales but are registered in another State or a Territory if the Commissioner is satisfied that they are safe and that TransCover contributions have been paid in respect of them or that other adequate arrangements have been made to compensate victims of accidents involving any such bus. (Schedule 1 (2)). Consequential amendments are made to sections 14 and 21 of the Principal Act. (Schedule 1 (1) and (5)).

Long distance, tourist and charter bus services

The Bill amends section 17 (Certain conditions of licence) of the Principal Act to provide that the Commissioner is not, when deciding whether to grant a licence for certain bus services, to have regard to criteria relating to the need to avoid unnecessary competition or overlapping of services. These criteria will not apply to bus services—

- (a) on which all passengers are to be carried for 40 kilometres or more (subject to exceptions such as would permit travel for a shorter distance on each of two integrated services where the total distance travelled is not less than 40 kilometres) but on which no passenger is to be carried just within the Metropolitan Transport District; or
- (b) on which all passengers are to be carried for the purposes of tourism or on a charter basis, but on which no passenger is to be carried just within any area prescribed by regulations made under the Principal Act.

A provision is included allowing regulations to be made varying that distance. (Schedule 1 (3)). A consequential amendment is made to section 17A of the Principal Act. (Schedule 1 (4)).
