

TRANSPORT (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 State Transport (Co-ordination) Amendment Bill 1988.

The object of this Bill is to amend the Transport Act 1930 to provide that—

- (a) a person carrying on a bus service which does not operate wholly within one of the Transport Districts established by that Act may be exempted by the Commissioner for Motor Transport from holding a service licence;
- (b) the Commissioner is not to take into account matters relating to unnecessary competition or overlapping services when deciding whether to grant service licences for certain bus services; and
- (c) a bus need not be registered in New South Wales if it is registered in another State or a Territory and licensed under the State Transport (Co-ordination) Act 1931 pursuant to proposed amendments to that Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence at the commencement of the proposed State Transport (Co-ordination) Amendment Act 1988.

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

SCHEDULE 1—AMENDMENTS

Service licences not required for certain bus services

The Bill amends section 135 (Motor omnibus services to be licensed) of the Principal Act to enable the Commissioner to exempt a person from the requirement to hold a service licence in respect of a bus service conveying passengers from a place within a Transport District to a place outside the District or from a place outside such a District to a place within the District. (Schedule 1 (1)).

Transport (Amendment) 1988

Long distance, tourist and charter bus services

The Bill amends section 137 (Service licences) of the Principal Act to provide that the Commissioner is not, when deciding whether to grant a service licence in respect of certain bus services, to have regard to criteria relating to the need to avoid unnecessary competition or overlapping 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 (2)). A consequential amendment is made to section 138A of the Principal Act. (Schedule 1 (3)).

New South Wales registration of certain buses not required

The Bill substitutes section 144 (Registration of motor omnibuses) of the Principal Act to enable buses which are not registered in New South Wales but are registered in another State or a Territory to be operated in this State if the Commissioner licenses the buses under proposed amendments to the State Transport (Co-ordination) Act 1931. (Schedule 1 (4)). Consequential amendments are made to sections 237, 238 and 241 of the Principal Act. (Schedule 1 (5)–(7)).
