

TRANSPORT LEGISLATION (REPEAL AND 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 objects of this Bill are—

- (a) to repeal the Acts, regulations and other statutory instruments which are to be replaced by the proposed transport legislation; and
- (b) to amend various Acts as a consequence of the enactment of the proposed transport legislation.

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 appointed by proclamation. The clause enables different Acts etc. or different parts of Acts etc. to be repealed on different days.

Clause 3 is a formal provision which gives effect to the Schedules of repeals of Acts and (with certain exceptions) of regulations and other instruments made under the repealed Acts.

Clause 4 is a formal provision which gives effect to the Schedule of amendments of Acts.

Schedule 1 lists the Acts that are being repealed.

The Principal Acts being repealed include—

- General Traffic Act 1900;
- Transport Act 1930;
- Ministry of Transport Act 1932;
- Motor Vehicles Taxation Management Act 1949;
- Traffic Authority Act 1976;

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- Transport Authorities Act 1980;
- Motor Vehicles (Taxation) Act 1980.

Schedule 2 lists the regulations etc. under the above Acts that are being repealed.

Schedule 3 lists the regulations etc. under the above Acts that are not being repealed, but that are to continue in force under the relevant new legislation. The regulations continued in force are as follows:

- pedestrian and other regulations under the General Traffic Act 1900.
- regulations and by-laws under the Government Railways Act 1912.
- regulations relating to SRA and UTA staff under the Transport Authorities Act 1980.

Schedule 4 consequentially amends the following Acts:

- Air Navigation Act 1938:
Minor consequential amendment.
- Attachment of Wages Limitation Act 1957:
Preserves existing provisions for the attachment of wages of staff of the transport authorities that are similar to those applying to public servants.
- Capital Debt Charges Act 1957:
Minor consequential amendment.
- Clean Waters Act 1970:
Minor consequential amendment.
- Construction Safety Act 1912:
Minor consequential amendment.
- Crimes Act 1900:
Minor consequential amendment.
- Darling Harbour Authority Act 1984:
Minor consequential amendment.
- Electricity Act 1945:
Minor consequential amendment.
- Environmental Planning and Assessment Act 1979:
Minor consequential amendment.
- Government and Related Employees Appeal Tribunal Act 1980:
Consequential amendments to retain application of Act for appeals by staff of former Department of Main Roads.
- Government Railways Act 1912:
The Government Railways Act 1912 is to be substantially repealed. Part 9 of the Act is to be retained to ensure that any superannuation benefits that are payable, or may still become payable, under that Part are preserved (the scheme established by the Part was closed in 1964). The short title of the Act is to become the Government Railways (Superannuation) Act 1912. Provisions in Parts 1–7 and Part 10 of the Act which still have practical utility are dealt with in the Transport Administration Bill 1988.
- Industrial Arbitration Act 1940:
Minor consequential amendment.

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- Justices Act 1902:
Minor consequential amendment.
- Local Government Act 1919:
Consequential amendments to provisions relating to public roads.
- Motor Vehicle Driving Instructors Act 1961:
Transfers functions under the Act from the Department of Motor Transport to the Roads and Traffic Authority and makes other minor consequential amendments.
- Public Authorities (Financial Arrangements) Act 1987:
Applies the borrowing and other provisions of the Act to the Roads and Traffic Authority and retains their application to the State Rail Authority and the State Transit Authority.
- Public Authorities Superannuation Act 1985:
Minor consequential amendment.
- Public Finance and Audit Act 1983:
Applies the audit and reporting requirements of the Act to the Roads and Traffic Authority and retains their application to the State Rail Authority and the State Transit Authority.
- Public Sector Management Act 1988:
Provides that the Roads and Traffic Authority is to be a declared authority under the Act and that the State Rail Authority and the State Transit Authority are to continue to be declared authorities.
- Public Works Act 1912:
The proposed Transport Administration Act 1988 will enable land to be acquired or resumed under the Public Works Act 1912 for railway construction (and for other works of the State Rail Authority). The Public Works Act 1912 is amended to repeal special provisions relating to the resumption etc. of land for railway construction which will no longer be necessary or which are obsolete.
- Recreation Vehicles Act 1983:
Transfers functions under the Act from the Department of Motor Transport to the Roads and Traffic Authority and makes other minor consequential amendments.
- Stamp Duties Act 1920:
Minor consequential amendment.
- State Authorities Non-contributory Superannuation Act 1987:
Minor consequential amendment.
- State Authorities Superannuation Act 1987:
Minor consequential amendment.
- State Public Service Superannuation Act 1985:
Minor consequential amendment.
- Statutory and Other Offices Remuneration Act 1975:
Removes the Chief Executives of the transport authorities from the application of that Act.

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- Summary Offences Act 1988:
Substitutes the definition of “vehicle” as a consequence of the repeal of an existing offence in the Government Railways Act 1912 relating to offensive conduct on trains. The proposed definition of “vehicle” specifically includes trains and monorail carriages. The definition is relevant in connection with offences in public places.
 - Superannuation Act 1916:
Minor consequential amendment.
 - Tow-truck Act 1967:
Minor consequential amendment.
 - Traffic Safety (Lights and Hoardings) Act 1951:
Transfers functions under the Act from the Traffic Authority to the Roads and Traffic Authority and makes other minor consequential amendments.
 - Transfer of Public Vehicles (Taxation) Act 1969:
Minor consequential amendment.
 - Transport Accidents Compensation Act 1987:
Minor consequential amendment.
 - Transport Appeal Boards Act 1980:
Consequential amendments to retain application of Act for appeals by staff of State Rail Authority and State Transit Authority, but to remove application of Act for appeals by staff of Department of Motor Transport since that staff will as part of the staff of the Roads and Traffic Authority have rights of appeal to the Government and Related Employees Appeals Tribunal.
 - Valuation of Land Act 1916:
Minor consequential amendment.
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