



New South Wales

Transport Administration Amendment (Travel Concession) Bill 2006

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Transport Administration Act 1988* (***the Principal Act***) to enable regulations to prescribe classes of persons who are not entitled:

- (a) to subsidised travel under a scheme approved under the Principal Act for Government subsidised travel on passenger services, or
- (b) to be issued with a free travel pass or concessional travel pass under the Principal Act.

Any such regulations will have effect despite various approvals, directions and determinations under the Principal Act and despite the *Anti-Discrimination Act 1977*.

The Bill inserts transitional provisions in the Principal Act. They provide that, until the regulations otherwise provide, full fee paying overseas students are not entitled to be issued with certain kinds of concessional travel passes. The students concerned are those who have been permitted to enter Australia on a visa issued on the basis that while in Australia they will be enrolled as full-time students at a tertiary educational institution, paying the full cost of their tuition, and will have sufficient funds to meet their educational and living costs in Australia.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on assent.

Clause 3 is a formal provision that gives effect to the amendments to the *Transport Administration Act 1988* set out in Schedule 1.

Clause 4 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendments

Schedule 1 amends the Principal Act to give effect to the amendments mentioned in the Overview.

First print



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Transport Administration Amendment (Travel Concession) Bill 2006

No. , 2006

A Bill for

An Act to amend the *Transport Administration Act 1988* with respect to travel concessions.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Transport Administration Amendment (Travel Concession) Act 2006</i> .	3 4
2 Commencement	5
This Act commences on the date of assent.	6
3 Amendment of Transport Administration Act 1988 No 109	7
The <i>Transport Administration Act 1988</i> is amended as set out in Schedule 1.	8 9
4 Repeal of Act	10
(1) This Act is repealed on the day following the day on which this Act commences.	11 12
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	13 14

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 39 Government subsidised travel schemes	3
	Insert after section 39 (1):	4
	(1A) If the regulations so provide, persons of a class prescribed by the regulations are not entitled to subsidised travel under any such scheme. This subsection applies despite any approval or direction of the Minister or the <i>Anti-Discrimination Act 1977</i> .	5 6 7 8
[2]	Section 88 Free or subsidised railway, bus or ferry travel	9
	Insert after section 88 (3):	10
	(3A) If the regulations so provide, persons of a class prescribed by the regulations are not entitled to be issued with a free travel pass or a concessional travel pass under this section. This subsection applies despite any determination or direction of the Minister or of an Authority or the <i>Anti-Discrimination Act 1977</i> .	11 12 13 14 15
[3]	Schedule 7 Savings, transitional and other provisions	16
	Insert at the end of clause 2 (1):	17
	<i>Transport Administration Amendment (Travel Concession) Act 2006</i>	18 19
[4]	Schedule 7	20
	Insert at the end of the Schedule with appropriate Part and clause numbers:	21
Part	Provisions consequent on enactment of Transport Administration Amendment (Travel Concession) Act 2006	22 23 24
	Student travel passes—transitional provision	25
	(1) Until the regulations otherwise provide, full fee paying overseas students:	26 27
	(a) are not entitled to be issued with a concessional travel pass (as referred to in section 88) of a kind that is available only to persons who are students at tertiary educational institutions, and	28 29 30 31
	(b) are not entitled to the benefit of concessional travel in circumstances where only a person who is entitled to be issued with such a pass is entitled to that benefit.	32 33 34

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Schedule 1 Amendments

- (2) This clause extends to travel under a scheme for Government subsidised travel as referred to in section 39. 1
2
- (3) In this clause, ***full fee paying overseas student*** means a person 3
who has been permitted to enter Australia on a visa issued on the 4
basis that while in Australia the person will be enrolled as a 5
full-time student at a tertiary educational institution, paying the 6
full cost of their tuition and will have sufficient funds to meet 7
their educational and living costs in Australia. 8