



New South Wales

Passenger Transport Amendment 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 *Passenger Transport Act 1990* (the **Principal Act**) so as to make it clear:

- (a) that 2 or more individuals may carry on bus or other public passenger services in partnership or under other arrangements, and
- (b) that any kind of corporate body (including incorporated associations and co-operatives) may carry on bus or other public passenger services.

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 the date of assent.

Clause 3 is a formal provision that gives effect to the amendments to the *Passenger Transport Act 1990* 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 [1] amends section 3 of the Principal Act to provide a definition of *corporation* for the purposes of the Principal Act that includes any kind of corporate body (including an incorporated association and a co-operative).

Schedule 1 [2] inserts section 5A into the Principal Act to clarify that the following persons may be accredited to carry on a public passenger service:

- (a) a single individual,
- (b) 2 or more individuals jointly,
- (c) a corporation.

Where accreditation is issued to 2 or more individuals jointly, the proposed section authorises the accreditation to be cancelled, suspended or varied should any one of the individuals die or cease to jointly carry on the service. The proposed section also ensures that once 2 or more individuals have been accredited jointly, they are each subject to the obligations imposed on accredited public passenger service operators under the Principal Act.

Schedule 1 [3] amends Schedule 3 to the Principal Act to enable regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

Schedule 1 [4] amends Schedule 3 to the Principal Act to validate accreditations, contracts and other acts or things that were purportedly issued, renewed, entered into or done or omitted prior to the commencement of the proposed Act that would have been valid had the proposed Act been in force at the relevant time.

First print



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New South Wales

Passenger Transport Amendment Bill 2006

No. , 2006

A Bill for

An Act to amend the *Passenger Transport Act 1990* to make further provision with respect to the accreditation of operators of public passenger services; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Passenger Transport Amendment Act 2006</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5
3 Amendment of Passenger Transport Act 1990 No 39	6
The <i>Passenger Transport Act 1990</i> is amended as set out in Schedule 1.	7
4 Repeal of Act	8
(1) This Act is repealed on the day following the day on which this Act commences.	9 10
(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.	11 12

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 3 Definitions	3
	Insert in alphabetical order in section 3 (1):	4
	<i>corporation</i> means any incorporated body of the kind referred to in section 5A (1) (c).	5 6
[2]	Section 5A	7
	Insert after section 5:	8
	5A Persons who may be accredited	9
	(1) For the purposes of this Act, the following are eligible to be accredited to carry on a public passenger service:	10 11
	(a) a single individual,	12
	(b) two or more individuals carrying or proposing to carry on the service jointly under a partnership or other agreement or arrangement,	13 14 15
	(c) a body incorporated by or under the law of this or any other jurisdiction (including the <i>Corporations Act 2001</i> of the Commonwealth, the <i>Associations Incorporation Act 1984</i> or the <i>Co-operatives Act 1992</i>).	16 17 18 19
	(2) If 2 or more individuals are jointly accredited and any one of them dies or ceases to jointly carry on the service:	20 21
	(a) the accreditation is automatically suspended on the expiration of 21 days after the death or cessation if the Director-General has not been notified before that time of the death or cessation, and	22 23 24 25
	(b) the accreditation may be cancelled, suspended or varied under this Act because of the death or cessation (whether before or after any such notification).	26 27 28
	(3) If 2 or more individuals are jointly accredited to carry on a public passenger service, each of those individuals has the obligations imposed on accredited operators of any such service under this Act.	29 30 31 32
[3]	Schedule 3 Savings and transitional provisions	33
	Insert at the end of clause 2 (1):	34
	<i>Passenger Transport Amendment Act 2006</i>	35

[4] Schedule 3	1
Insert at the end of the Schedule with appropriate Part and clause numbers:	2
Part Provisions consequent on enactment of Passenger Transport Amendment Act 2006	3 4
Definition	5
In this Part:	6
<i>the amending Act</i> means the <i>Passenger Transport Amendment Act 2006</i> .	7 8
Validation of accreditation, contracts and other matters	9
(1) This clause applies to:	10
(a) any accreditation purportedly issued or renewed under this Act, or	11 12
(b) any service contract purportedly entered into under this Act, or	13 14
(c) any other act or thing purportedly done or omitted under this Act or under any such accreditation or contract,	15 16
at any time before the commencement of the amending Act.	17
(2) Any such accreditation, contract, act or thing that would have been validly issued, renewed, entered into, done or omitted if the amending Act had been in force at that time is taken to be (and always to have been) validly issued, renewed, entered into, done or omitted.	18 19 20 21 22