

TRANSPORT (AMENDMENT) BILL, 1980

EXPLANATORY NOTE

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

This Bill is cognate with the Transport Authorities Bill, 1980, and the Transport Appeal Boards Bill, 1980.

The object of this Bill is to amend the Transport Act, 1930, consequent on and in connection with the enactment of the proposed Transport Authorities Act, 1980, and the proposed Transport Appeal Boards Act, 1980.

A number of provisions are made not applicable to the Urban Transit Authority, and the provisions respecting the constitution and procedure of Appeal Boards are omitted. The limitations on the power of the Trusts and the Commissioner for Motor Transport to enter into contracts are removed, so as to bring them into line with the contractual powers of the Urban Transit Authority and the State Rail Authority under the proposed Transport Authorities Act, 1980.

TRANSPORT (AMENDMENT) BILL, 1980

No. , 1980.

A BILL FOR

An Act to amend the Transport Act, 1930, consequent on and in connection with the enactment of the Transport Authorities Act, 1980, and the Transport Appeal Boards Act, 1980.

[Mr Cox—20 March, 1980.]

Transport (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Transport (Amendment) Short title.
Act, 1980".

2. (1) This section and section 1 shall commence on the date Commence-
of assent to this Act. ment.

 (2) Except as provided by subsection (1), this Act shall
10 commence on 1st July, 1980.

3. The Transport Act, 1930, is referred to in this Act as the Principal
Principal Act. Act.

4. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

15 **SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.**

5. The Principal Act is amended in the manner set forth in Amendment
Schedule 1. of Act No.
18, 1930.

6. Schedule 2 has effect. Savings and
transitional
provisions.

Transport (Amendment).

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 2—

5 Omit the matter relating to Division 3 of Part XI, insert instead :—

DIVISION 3.—*Appeals respecting promotions*—s. 113.

(2) (a) Section 4, definition of “Transport Appeal Board”—

After the definition of “Tramway”, insert :—

10 “Transport Appeal Board” means a Transport Appeal Board constituted under the Transport Appeal Boards Act, 1980.

(b) Section 4, definition of “Transport service”—

After “railway”, insert “or a ferry service”.

(3) Section 6A—

15 After section 6, insert :—

6A. (1) Except where expressly provided by or under any other Act, the provisions referred to in subsection (2) do not apply to or in relation to the Urban Transit Authority, and in particular do not apply to or in relation to the officers and employees of that Authority.

20 (2) For the purposes of subsection (1), the provisions are Division 2 of Part IV, sections 58 and 59, Parts VIII and XI, Divisions 1 and 4 of Part XVI, sections 253 and 263 and any other provisions prescribed by regulations made for the purposes of this section.

(4) Section 58 (3)—

Omit the subsection.

Transport (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) (a) Section 60 (1A)—

After section 60 (1), insert :—

- 5 (1A) All such charges demanded by the Urban Transit Authority shall be those from time to time determined by relevant orders in force under section 71 of the Transport Authorities Act, 1980.

(b) Section 60 (2)—

- 10 After “charged”, insert “, subject to and in accordance with any applicable orders referred to in subsection (1A),”.

(6) Section 107 (2)—

- 15 Omit “in the manner hereinafter provided”, insert instead “to a Transport Appeal Board”.

(7) Section 109—

Omit “in the manner provided in section 114”, insert instead “to a Transport Appeal Board”.

(8) (a) Section 110 (1A)—

- 20 Omit “the Appeal Board”, insert instead “a Transport Appeal Board”.

(b) Section 110 (2)—

Omit the subsection.

(9) Heading to Division 3 of Part XI—

- 25 After “*Appeals*”, insert “*respecting promotions*”.

Transport (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(10) Section 113—

5 Omit “the Appeal Board”, insert instead “a Transport Appeal Board”.

(11) Sections 114–115F—

Omit the sections.

(12) Section 123 (7)—

10 Omit “For the purposes of this section ‘service’ includes service with the Department of Railways, the Department of Government Transport and the Department of Motor Transport or any authority which before the establishment of any such Department exercised or discharged any of the powers, authorities, duties or functions exercised or
15 discharged by such Department.”, insert instead :—

For the purposes of this section, “service” includes service with the State Rail Authority, Urban Transit Authority and Department of Motor Transport or any of their predecessors.

20 (13) Section 137 (6)—

After section 137 (5), insert :—

(6) Without affecting the generality of section 38 of the Transport Authorities Act, 1980, this section has effect subject to that section.

Transport (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(14) Section 157 (6)—

After section 157 (5), insert :—

- 5 (6) Without affecting the generality of section 38 of the Transport Authorities Act, 1980, this section has effect subject to that section.

(15) Section 263 (b), (c), (d), (da)—

Omit the paragraphs.

SCHEDULE 2.

Sec. 6.

SAVINGS AND TRANSITIONAL PROVISIONS.

- 10 1. Nothing in this Act affects any regulations in force under the Principal Act to the extent to which they could have been made under that Act, as amended by this Act. Regulations under the Principal Act.
- 15 2. The enactment by this Act of section 6A of the Principal Act does not confer on any person any privileges or rights that were not conferred before 1st July, 1980, or that would not have been conferred if that section had not been enacted. Rights not conferred.
- 20 3. (1) This Act does not affect any proceedings pursuant to any of the provisions referred to in section 6A of the Principal Act, as amended by this Act, and those proceedings shall continue as if commenced pursuant to the relevant provisions of the Transport Authorities Act, 1980. Proceedings.
- (2) Nothing in this clause affects the generality of any provisions contained in Schedule 8 to the Transport Authorities Act, 1980.

Transport (Amendment).

SCHEDULE 2—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(3) Nothing in this clause applies to proceedings referred to in Schedule 2 to the Transport Appeal Boards Act, 1980.

5 4. (1) The Governor may make regulations containing other provisions Regulations.
of a savings or transitional nature consequent on the enactment of this Act.

(2) The provisions of clause 18 (2)–(4) of Schedule 8 to the Transport Authorities Act, 1980, apply to and in respect of regulations made under this clause in the same way as they apply to and in respect of
10 regulations made under clause 18 of that Schedule.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980
(20c)

TRANSPORT (AMENDMENT) ACT, 1980, No. 106

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 106, 1980.

An Act to amend the Transport Act, 1930, consequent on and in connection with the enactment of the Transport Authorities Act, 1980, and the Transport Appeal Boards Act, 1980.
[Assented to, 1st May, 1980.]

Transport (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Transport (Amendment) Act, 1980".

**Commence-
ment.** **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on 1st July, 1980.

**Principal
Act.** **3.** The Transport Act, 1930, is referred to in this Act as the Principal Act.

Schedules. **4.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.

**Amendment
of Act No.
18, 1930.** **5.** The Principal Act is amended in the manner set forth in Schedule 1.

**Savings and
transitional
provisions.** **6.** Schedule 2 has effect.

Transport (Amendment).

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 2—

Omit the matter relating to Division 3 of Part XI, insert instead :—

DIVISION 3.—*Appeals respecting promotions*—s. 113.

(2) (a) Section 4, definition of “Transport Appeal Board”—

After the definition of “Tramway”, insert :—

“Transport Appeal Board” means a Transport Appeal Board constituted under the Transport Appeal Boards Act, 1980.

(b) Section 4, definition of “Transport service”—

After “railway”, insert “or a ferry service”.

(3) Section 6A—

After section 6, insert :—

6A. (1) Except where expressly provided by or under any other Act, the provisions referred to in subsection (2) do not apply to or in relation to the Urban Transit Authority, and in particular do not apply to or in relation to the officers and employees of that Authority.

(2) For the purposes of subsection (1), the provisions are Division 2 of Part IV, sections 58 and 59, Parts VIII and XI, Divisions 1 and 4 of Part XVI, sections 253 and 263 and any other provisions prescribed by regulations made for the purposes of this section.

(4) Section 58 (3)—

Omit the subsection.

Transport (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) (a) Section 60 (1A)—

After section 60 (1), insert :—

(1A) All such charges demanded by the Urban Transit Authority shall be those from time to time determined by relevant orders in force under section 71 of the Transport Authorities Act, 1980.

(b) Section 60 (2)—

After “charged”, insert “, subject to and in accordance with any applicable orders referred to in subsection (1A),”.

(6) Section 107 (2)—

Omit “in the manner hereinafter provided”, insert instead “to a Transport Appeal Board”.

(7) Section 109—

Omit “in the manner provided in section 114”, insert instead “to a Transport Appeal Board”.

(8) (a) Section 110 (1A)—

Omit “the Appeal Board”, insert instead “a Transport Appeal Board”.

(b) Section 110 (2)—

Omit the subsection.

(9) Heading to Division 3 of Part XI—

After “*Appeals*”, insert “*respecting promotions*”.

Transport (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(10) Section 113—

Omit “the Appeal Board”, insert instead “a Transport Appeal Board”.

(11) Sections 114–115F—

Omit the sections.

(12) Section 123 (7)—

Omit “For the purposes of this section ‘service’ includes service with the Department of Railways, the Department of Government Transport and the Department of Motor Transport or any authority which before the establishment of any such Department exercised or discharged any of the powers, authorities, duties or functions exercised or discharged by such Department.”, insert instead :—

For the purposes of this section, “service” includes service with the State Rail Authority, Urban Transit Authority and Department of Motor Transport or any of their predecessors.

(13) Section 137 (6)—

After section 137 (5), insert :—

(6) Without affecting the generality of section 38 of the Transport Authorities Act, 1980, this section has effect subject to that section.

Transport (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(14) Section 157 (6)—

After section 157 (5), insert :—

(6) Without affecting the generality of section 38 of the Transport Authorities Act, 1980, this section has effect subject to that section.

(15) Section 263 (b), (c), (d), (da)—

Omit the paragraphs.

Sec. 6.

SCHEDULE 2.

SAVINGS AND TRANSITIONAL PROVISIONS.

Regulations
under the
Principal
Act.

1. Nothing in this Act affects any regulations in force under the Principal Act to the extent to which they could have been made under that Act, as amended by this Act.

Rights not
conferred.

2. The enactment by this Act of section 6A of the Principal Act does not confer on any person any privileges or rights that were not conferred before 1st July, 1980, or that would not have been conferred if that section had not been enacted.

Proceedings.

3. (1) This Act does not affect any proceedings pursuant to any of the provisions referred to in section 6A of the Principal Act, as amended by this Act, and those proceedings shall continue as if commenced pursuant to the relevant provisions of the Transport Authorities Act, 1980.

(2) Nothing in this clause affects the generality of any provisions contained in Schedule 8 to the Transport Authorities Act, 1980.

Transport (Amendment).

SCHEDULE 2—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(3) Nothing in this clause applies to proceedings referred to in Schedule 2 to the Transport Appeal Boards Act, 1980.

4. (1) The Governor may make regulations containing other provisions **Regulations.** of a savings or transitional nature consequent on the enactment of this Act.

(2) The provisions of clause 18 (2)–(4) of Schedule 8 to the Transport Authorities Act, 1980, apply to and in respect of regulations made under this clause in the same way as they apply to and in respect of regulations made under clause 18 of that Schedule.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 1st May, 1980.*

