

CONCURRENCE COPY

TRANSPORT (AMENDMENT) BILL, 1983

EXPLANATORY NOTE

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

The objects of this Bill are—

- (a) to amend the Transport Act, 1930, so as—
 - (i) to make it clear that promotions to positions above a certain salary level in the Department of Motor Transport are to be based on fitness rather than seniority (Schedule 1 (2), (3)); and
 - (ii) to provide that the salary level mentioned in subparagraph (i) above is to be the maximum salary payable to a Group 7 officer (instead of a special grade clerk, which is a position that no longer exists) (Schedule 1 (1));
 - (b) to make further amendments to that Act by way of statute law revision, as follows:—
 - (i) to omit section 102 (4), which requires certain appointments at salaries exceeding \$2,000 to be made with the sanction of the Governor (Schedule 2 (1));
 - (ii) to up-date references to the Appeal Board (Schedule 2 (2), (3)); and
 - (iii) to omit certain words from section 113 (1) which are deemed to be omitted by section 19 of the Transport (Division of Functions) Amendment Act, 1952 (Schedule 2 (4));
 - (c) to validate past matters which would have been valid had the proposed amendments been in force when they were done and to validate appointments within the Department of Motor Transport where applications were not invited from officers in all branches of the Department (clause 4); and
 - (d) to make other provisions of a minor, consequential or ancillary nature.
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TRANSPORT (AMENDMENT) BILL, 1983

No. , 1983.

A BILL FOR

An Act to amend the Transport Act, 1930, in relation to the promotion of officers within the Department of Motor Transport; and for other purposes.

[Mr Cox—17 *March*, 1983.]

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 Short title.

1. This Act may be cited as the "Transport (Amendment) Act, 1983".

Schedules.

2. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE TRANSPORT ACT, 1930.

- 10 SCHEDULE 2.—AMENDMENTS TO THE TRANSPORT ACT, 1930, BY WAY OF STATUTE LAW REVISION.

Amendment of Act No. 18, 1930.

3. The Transport Act, 1930, is amended in the manner set forth in Schedules 1 and 2.

15 Validation.

4. (1) All things done or omitted to be done at any time before the commencement of this Act that would have been valid had the amendments made by this Act been in force at that time are hereby validated.

- (2) Any appointment made or purporting to have been made to a
20 vacancy within the Department of Motor Transport before the commencement of this Act shall be deemed not to have been invalidly made by reason that—

- (a) applications for appointment to the vacant office were not invited from officers in all branches of the Department; or

- (b) the person appointed had not made an application for appointment
25 to the vacant office,

and accordingly is hereby validated.

Transport (Amendment).

(3) Nothing in this section affects any decision made or given before the commencement of this Act by a court, the Appeal Board constituted under the Transport Act, 1930, or a Transport Appeal Board constituted under the Transport Appeal Boards Act, 1980.

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SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE TRANSPORT ACT, 1930.

(1) Section 104c (1)—

10 Omit “special grade clerk”, insert instead “Group 7 officer within the Department of Motor Transport”.

(2) Section 104c (2)—

Omit “and rank, position or grade”.

(3) Section 104c (2)—

15 Omit “In all cases, rank, position or grade shall be subordinated to conditions of special fitness.”, insert instead:—

The officer to be appointed shall be (in a case to which paragraph (a) applies) the officer in the branch, or (in a case to which paragraph (b) applies) the applicant from any branch, who possesses the greatest fitness for the vacant office.

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Where there are 2 or more officers or applicants, as the case may require, each equally possessing such fitness for the vacant office, the officer to be appointed shall be the most senior of them in rank, position or grade.

Transport (Amendment).

SCHEDULE 2.

(Sec. 3.)

AMENDMENTS TO THE TRANSPORT ACT, 1930, BY WAY OF STATUTE LAW
REVISION.

5 (1) Section 102 (4)—

Omit the subsection.

(2) (a) Section 104 (4) (b)—

Omit “the Appeal Board constituted under section 114”, insert instead “a Transport Appeal Board”.

10 (b) Section 104 (4) (b)—

Omit “such Appeal Board”, insert instead “such a Board”.

(3) (a) Section 104c (3)—

Omit “the Appeal Board constituted under this Act”, insert instead “a Transport Appeal Board”.

15 (b) Section 104c (3)—

Omit “the Appeal Board” where lastly occurring, insert instead “such a Board”.

(4) Section 113 (1)—

Omit “in the branch”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983



