

# CONCURRENCE COPY

## TRANSPORT AUTHORITIES (AMENDMENT) BILL, 1982

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### EXPLANATORY NOTE

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

The following Bills are cognate with this Bill:—

Government Railways (Amendment) Bill, 1982;

Transport (Amendment) Bill, 1982;

Miscellaneous Acts (Financial Accommodation) Amendment Bill, 1982.

The object of this Bill is to amend the Transport Authorities Act, 1980, so as—

- (a) to empower the State Rail Authority to determine, by order made with the concurrence of the Minister, terms and conditions of carriage on that Authority's services (Schedule 1)—proposed section 71 (3));
- (b) to make further provision with respect to the manner in which the charges to be demanded by the State Rail Authority and the Urban Transit Authority ("the Authorities") may be determined (Schedule 1 (1)—proposed section 71 (6) (a) and (11));
- (c) to provide that either of the Authorities, with the consent of the other Authority, may determine the charges to be demanded for services provided by the other Authority (Schedule 1 (1)—proposed section 71 (8)); and
- (d) to provide for judicial notice to be taken of orders made by the Authorities which determine their charges (Schedule 1 (1)—proposed section 71 (12)).

The Bill also makes other provisions of a minor or consequential nature and a provision of a saving nature with respect to certain charges previously determined by the Authorities (clause 4).

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# CONCURRENCE COPY

## TRANSPORT AUTHORITIES (AMENDMENT) BILL, 1982

### EXPLANATORY NOTE

(The Explanatory Note relating to this Bill is reproduced into English.)

The following Bills are concurred with this Bill—

Government Railway (Amendment) Bill, 1982;

Transport (Amendment) Bill, 1982;

Miscellaneous Acts (Financial Arrangements) Amendment Bill, 1982.

The object of this Bill is to amend the Transport Authorities Act, 1980, so as—

(a) to empower the State Rail Authority to determine by order made with the concurrence of the Minister terms and conditions of carriage on that Authority's services (Schedule 1)—proposed section 74 (3);

(b) to make further provision with respect to the manner in which the charges to be demanded by the State Rail Authority and the Urban Transport Authority, the Authority, may be determined (Schedule 1)—proposed section 74 (4) (a) and (11);

(c) to provide that either of the Authorities, with the consent of the other Authority, may determine the charges to be demanded for services provided by the other Authority (Schedule 1)—proposed section 74 (8) and

(d) to provide for judicial notice to be taken of orders made by the Authority which determine their charges (Schedule 1)—proposed section 74 (12).

The Bill also makes other provision in a number of consequential nature and a provision of a saving nature with respect to certain charges previously determined by the Authorities (clause 4).

## TRANSPORT AUTHORITIES (AMENDMENT) BILL, 1982

It is enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Executive 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 Authorities (Amendment) Act, 1982.

Principal Act.

2. The Transport Authorities Act, 1980, is referred to in this Act as the Principal Act.

No. , 1982.

### A BILL FOR

An Act to amend the Transport Authorities Act, 1980, with respect to the manner in which terms and conditions of carriage on railways and charges to be demanded by the State Rail Authority and the Urban Transit Authority may be determined; and for other purposes.

[MR COX—1 April, 1982.]

See also Government Railways (Amendment) Bill, 1982; Transport (Amendment) Bill, 1982; Miscellaneous Acts (Financial Accommodation) Amendment Bill, 1982.

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*Transport Authorities (Amendment).*

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**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 Authorities (Amendment) Act, 1982".

**Principal Act.**

2. The Transport Authorities Act, 1980, is referred to in this Act as the Principal Act.

**Amendment of Act No. 103, 1980.**

3. The Principal Act is amended in the manner set forth in Schedule 1.

**Saving.**

4. Any orders in force, immediately before the commencement of this section, under section 71 of the Principal Act shall, on that commencement, be deemed to be orders made under section 71 of that Act, as amended by this Act, but section 71 (7) of that Act, as so amended, does not require publication in the Gazette of any such order.

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*Transport Authorities (Amendment).*

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## SCHEDULE 1.

(Sec. 3.)

## AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 71 (3)-(13)—

5 Omit section 71 (3)-(9), insert instead:—

10 (3) The State Rail Authority may, with the concurrence of the Minister, make orders from time to time, not inconsistent with the Government Railways Act, 1912, or with any by-law in force under that Act, for or with respect to determining the terms and conditions—

(a) upon which passengers shall be carried; and

(b) upon which—

(i) passengers' luggage;

(ii) goods;

15 (iii) livestock; and

(iv) other freight,

shall be collected, received, kept, carried or delivered.

20 (4) Each Authority shall, at least once in each financial year, submit to the Minister for his concurrence such proposals in respect of adjustments to its charges as appear to it to be necessary to take into account the following factors:—

(a) movements in appropriate wages and pricing indexes available to the Authority; and

25 (b) the Authority's pricing policies and structures, as from time to time approved by the Minister.

(5) In submitting any proposed charges for the concurrence of the Minister, an Authority shall certify to the Minister that, in fixing the amount of the charges, it has had regard to the factors mentioned in subsection (4).

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*Transport Authorities (Amendment).*

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

- (6) An order under this section may—
- 5 (a) adopt and incorporate by reference the whole or any part of a handbook, pamphlet or other document issued by an Authority and setting out particulars of the matters determined or provided for in order;
- (b) make provision for concessions and rebates; and
- 10 (c) apply generally or be limited in its application by reference to specified exceptions or factors or apply differently according to different factors of a specified kind.
- (7) Subject to subsection (11) (b), an order under this section shall be published in the Gazette and shall take effect on and from the date of publication of the order or a later date specified in the order.
- 15 (8) Orders may be made under this section by an Authority, with the consent of the other Authority, determining any charges to be demanded by that other Authority.
- (9) Orders may be made under this section providing for the issue of tickets for use in connection with more than one service.
- 20 (10) Orders may be made by an Authority under this section providing for the acceptance by the Authority of tickets issued by the other Authority or other persons or organisations.
- (11) Where an order under this section adopts and incorporates
- 25 by reference the whole or part of a handbook, pamphlet or other document issued by an Authority—
- (a) the contents of the handbook, pamphlet or other document, as the case may be, may be proved in any court by production of a document certified under the seal of the Authority to be a true copy of the handbook, pamphlet or
- 30 other document;

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*Transport Authorities (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 (b) subsection (7) does not require the publication in the Gazette of the handbook, pamphlet or other document or part thereof; and
- (c) the Authority shall, upon application made to it by any person and payment of the prescribed fee, if any, furnish to the person a copy of the handbook, pamphlet or other document, or part thereof, as the case may require.
- 10 (12) Judicial notice shall be taken of every order made, or purporting to have been made, and published in the Gazette under this section and of the date of its publication.
- (13) In this section, “charges” includes fares, tolls, commissions and demurrage.

15 (2) Section 80—

Omit “direction or”, insert instead “direction or other”.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

Transportation (Continued)

ARTICLE 14

CHAPTER 14-100

(b) Subsection (7) does not require the publisher in the Gazette of the Province, pamphlet or other document or part thereof and

(c) The publisher shall, upon any order made to it by any person for the payment of the price of any copy of the Gazette or other document, or part thereof, or the cost of any copy

(13) A notice shall be given of every order made by any person for the payment of the price of any copy of the Gazette or other document, or part thereof, or the cost of any copy

(14) The publication "order" includes any order made by any person for the payment of the price of any copy of the Gazette or other document, or part thereof, or the cost of any copy



**TRANSPORT AUTHORITIES (AMENDMENT) ACT, 1982,  
No. 19**

**New South Wales**



ANNO TRICESIMO PRIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 19, 1982.**

An Act to amend the Transport Authorities Act, 1980, with respect to the manner in which terms and conditions of carriage on railways and charges to be demanded by the State Rail Authority and the Urban Transit Authority may be determined; and for other purposes. [Assented to, 22nd April, 1982.]

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See also Government Railways (Amendment) Act, 1982; Transport (Amendment) Act, 1982; Miscellaneous Acts (Financial Accommodation) Amendment Act, 1982.

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*Transport Authorities (Amendment).*

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**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 Authorities (Amendment) Act, 1982".

**Principal Act.**

2. The Transport Authorities Act, 1980, is referred to in this Act as the Principal Act.

**Amendment of Act No. 103, 1980.**

3. The Principal Act is amended in the manner set forth in Schedule 1.

**Saving.**

4. Any orders in force, immediately before the commencement of this section, under section 71 of the Principal Act shall, on that commencement, be deemed to be orders made under section 71 of that Act, as amended by this Act, but section 71 (7) of that Act, as so amended, does not require publication in the Gazette of any such order.

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*Transport Authorities (Amendment).*

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## SCHEDULE 1.

(Sec. 3.)

## AMENDMENTS TO THE PRINCIPAL ACT.

## (1) Section 71 (3)-(13)—

Omit section 71 (3)-(9), insert instead:—

(3) The State Rail Authority may, with the concurrence of the Minister, make orders from time to time, not inconsistent with the Government Railways Act, 1912, or with any by-law in force under that Act, for or with respect to determining the terms and conditions—

(a) upon which passengers shall be carried; and

(b) upon which—

(i) passengers' luggage;

(ii) goods;

(iii) livestock; and

(iv) other freight,

shall be collected, received, kept, carried or delivered.

(4) Each Authority shall, at least once in each financial year, submit to the Minister for his concurrence such proposals in respect of adjustments to its charges as appear to it to be necessary to take into account the following factors:—

(a) movements in appropriate wages and pricing indexes available to the Authority; and

(b) the Authority's pricing policies and structures, as from time to time approved by the Minister.

(5) In submitting any proposed charges for the concurrence of the Minister, an Authority shall certify to the Minister that, in fixing the amount of the charges, it has had regard to the factors mentioned in subsection (4).

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*Transport Authorities (Amendment).*

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

(6) An order under this section may—

- (a) adopt and incorporate by reference the whole or any part of a handbook, pamphlet or other document issued by an Authority and setting out particulars of the matters determined or provided for in order;
- (b) make provision for concessions and rebates; and
- (c) apply generally or be limited in its application by reference to specified exceptions or factors or apply differently according to different factors of a specified kind.

(7) Subject to subsection (11) (b), an order under this section shall be published in the Gazette and shall take effect on and from the date of publication of the order or a later date specified in the order.

(8) Orders may be made under this section by an Authority, with the consent of the other Authority, determining any charges to be demanded by that other Authority.

(9) Orders may be made under this section providing for the issue of tickets for use in connection with more than one service.

(10) Orders may be made by an Authority under this section providing for the acceptance by the Authority of tickets issued by the other Authority or other persons or organisations.

(11) Where an order under this section adopts and incorporates by reference the whole or part of a handbook, pamphlet or other document issued by an Authority—

- (a) the contents of the handbook, pamphlet or other document, as the case may be, may be proved in any court by production of a document certified under the seal of the Authority to be a true copy of the handbook, pamphlet or other document;

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*Transport Authorities (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) subsection (7) does not require the publication in the Gazette of the handbook, pamphlet or other document or part thereof; and
- (c) the Authority shall, upon application made to it by any person and payment of the prescribed fee, if any, furnish to the person a copy of the handbook, pamphlet or other document, or part thereof, as the case may require.

(12) Judicial notice shall be taken of every order made, or purporting to have been made, and published in the Gazette under this section and of the date of its publication.

(13) In this section, “charges” includes fares, tolls, commissions and demurrage.

(2) Section 80—

Omit “direction or”, insert instead “direction or other”.

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

J. A. ROWLAND,  
*Governor.*

*Government House,  
Sydney, 22nd April, 1982.*





