

FIRST PRINT

**MISCELLANEOUS ACTS (MOTOR TRANSPORT FEES  
AND CHARGES) AMENDMENT BILL 1985**

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**EXPLANATORY NOTE**

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

This Bill is cognate with the Transport (Fees and Charges) Amendment Bill 1985.

The proposed Transport (Fees and Charges) Amendment Act 1985 will insert into the Transport Act 1930 a provision for the determination of fees and charges payable to the Commissioner for Motor Transport ("the Commissioner") under the latter Act and the following Acts:

- (a) Air Transport Act 1964;
- (b) Motor Traffic Act 1909;
- (c) Motor Vehicle Driving Instructors Act 1961;
- (d) Motor Vehicles Taxation Management Act 1949;
- (e) Motor Vehicles (Third Party Insurance) Act 1942;
- (f) Recreation Vehicles Act 1983;
- (g) State Transport (Co-ordination) Act 1931.

Those fees and charges are to be determined by orders made by the Commissioner with the concurrence of the Minister for Transport and published in the Government Gazette. The Commissioner will be required to submit annually proposals to the Minister for alterations of those fees and charges in accordance with movements in certain salaries.

The objects of this Bill are—

- (a) to make consequential amendments to the Acts listed above; and
- (b) to make certain savings related to those amendments.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on the commencement of the proposed Transport (Fees and Charges) Amendment Act 1985.

Clause 3 describes the Schedules to the proposed Act. Schedule 1 contains the amendments to the Acts listed above and Schedule 2 contains savings provisions.

Clause 4 is a formal provision that gives effect to the Schedule of amendments.

Clause 5 is a formal provision that gives effect to the Schedule of savings.

Schedule 1 contains amendments to Acts which are required as a consequence of the enactment of the proposed Transport (Fees and Charges) Amendment Act 1985. A provision will be inserted in each of the Acts listed above stating that a reference in that Act to a determined fee is a reference to a fee of an amount determined by an order in force under proposed section 265B of the Transport Act 1930.

Schedule 2 contains savings provisions. Clause 1 aims to ensure that the amendments in Schedule 1 will not prevent the collection by the Commissioner of outstanding fees and charges which were previously fixed by regulations made under the Acts listed above. Clause 2 provides that those amendments shall not have the effect of repealing certain of those regulations.

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**MISCELLANEOUS ACTS (MOTOR TRANSPORT FEES  
AND CHARGES) AMENDMENT BILL 1985**

No.       , 1985

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**A BILL FOR**

An Act to amend the Air Transport Act 1964, Motor Traffic Act 1909, Motor Vehicle Driving Instructors Act 1961, Motor Vehicles Taxation Management Act 1949, Motor Vehicles (Third Party Insurance) Act 1942, Recreation Vehicles Act 1983 and State Transport (Co-ordination) Act 1931, with respect to the making and altering of fees and charges under those Acts, and for other purposes.

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*Miscellaneous Acts (Motor Transport Fees and Charges) Amendment 1985*

**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 "Miscellaneous Acts (Motor Transport Fees and Charges) Amendment Act 1985".

**Commencement**

2. (1) Sections 1 and 2 shall commence on the date of assent to this  
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Transport (Fees and Charges) Amendment Act 1985.

**Schedules**

15 3. This Act contains the following Schedules:

SCHEDULE 1—AMENDMENTS

SCHEDULE 2—SAVINGS

**Amendments**

20 4. Each Act specified in Schedule 1 is amended in the manner specified in that Schedule in relation to that Act.

**Savings**

5. Schedule 2 has effect.

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SCHEDULE 1

(Sec. 4)

25

AMENDMENTS

**Air Transport Act 1964 No. 36—**

(1) Section 2 (5)—

After section 2 (4), insert:

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(5) A reference in this Act to a determined fee is a reference to a fee of an amount determined by an order in force under section 265B of the Transport Act 1930.

*Miscellaneous Acts (Motor Transport Fees and Charges) Amendment 1985*

SCHEDULE 1—*continued*

AMENDMENTS—*continued*

(2) Section 5 (1) (c)—

Omit “another amount is prescribed, that other amount”, insert instead “another fee is determined, that other fee”.

(3) Section 13 (1) (a)—

5 Omit the paragraph.

**Motor Traffic Act 1909 No. 5—**

(1) Section 2 (1A)—

After section 2 (1), insert:

10 (1A) A reference in this Act to a determined fee is a reference to a fee of an amount determined by an order in force under section 265B of the Transport Act 1930.

(2) (a) Section 3 (1) (g2) (iii)—

Omit “the fees”, insert instead “for fees”.

(b) Section 3 (1) (m)—

15 Omit “prescribed”, insert instead “determined”.

(c) Section 3 (1) (s)—

Omit the paragraph, insert instead:

(s) require the payment of determined fees and regulate the payment and the application of those fees;

20 (3) Section 20—

Omit “prescribed” wherever occurring, insert instead “determined”.

(4) Schedule 1—

Omit the Schedule.

**Motor Vehicle Driving Instructors Act 1961 No. 60—**

25 (1) Section 3 (2)—

At the end of section 3, insert:

(2) A reference in this Act to a determined fee is a reference to a fee of an amount determined by an order in force under section 265B of the Transport Act 1930.

30 (2) Sections 5 (2), 6 (1) (b), 8 (1) (c), (2) (c)—

Omit “prescribed” wherever occurring, insert instead “determined”.



*Miscellaneous Acts (Motor Transport Fees and Charges) Amendment 1985*

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SCHEDULE 1—*continued*  
AMENDMENTS—*continued*

(3) Section 14 (1) (b)—

Omit the paragraph, insert instead:

(b) the payment of fees under this Act;

**Motor Vehicles Taxation Management Act 1949 No. 34—**

5 (1) Section 3 (4)—

After section 3 (3), insert:

(4) A reference in this Act to a determined fee is a reference to a fee of an amount determined by an order in force under section 265B of the Transport Act 1930.

10 (2) Section 11—

Omit “which may be prescribed by regulation”, insert instead “determined in respect of the cancellation”.

**Motor Vehicles (Third Party Insurance) Act 1942 No. 15—**

(1) Section 5 (4)—

15 After section 5 (3), insert:

(4) A reference in this Act to a determined fee is a reference to a fee of an amount determined by an order in force under section 265B of the Transport Act 1930.

(2) Section 45 (2) (c)—

20 Omit “prescribed” where firstly occurring, insert instead “determined”.

**Recreation Vehicles Act 1983 No. 136—**

(1) Section 4 (4)—

After section 4 (3), insert:

25 (4) A reference in this Act to a determined fee is a reference to a fee of an amount determined by an order in force under section 265B of the Transport Act 1930.

(2) Section 17 (2) (b) (iv)—

Omit “prescribed”, insert instead “determined”.

**State Transport (Co-ordination) Act 1931 No. 32—**

30 (1) Section 3 (2)—

After section 3 (1), insert:

(2) A reference in this Act to a determined fee is a reference to a fee of an amount determined by an order in force under section 265B of the Transport Act 1930.

*Miscellaneous Acts (Motor Transport Fees and Charges) Amendment 1985*

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SCHEDULE 1—*continued*

AMENDMENTS—*continued*

- (2) Sections 14 (3), (4), 17A (3), 20 (3)—  
Omit “prescribed” wherever occurring, insert instead “determined”.
- (3) Section 22 (1)—  
Omit “prescribed” where firstly occurring, insert instead “determined”.
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SCHEDULE 2

(Sec.5)

SAVINGS

**General**

1. The amendment of a provision of an Act by this Act or of a provision of a  
10 regulation by reason of any such amendment shall not affect—
- (a) the previous operation of the provision or anything duly commenced to be done or done under the provision;
  - (b) any right or liability acquired or incurred under the provision; or
  - (c) any legal proceeding or remedy in respect of any such right or liability,
- 15 and any such legal proceeding or remedy may be instituted, continued or enforced as if the provision had not been amended.

**Regulations**

2. This Act does not repeal any regulation—
- (a) which was, immediately before the commencement of this Act, in force under  
20 an Act amended by this Act; and
  - (b) which could be made under that Act, as amended by this Act.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985





MISCELLANEOUS ACTS (MOTOR TRANSPORT FEES AND  
CHARGES) AMENDMENT ACT 1985 No. 140

New South Wales



ANNO TRICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 140, 1985**

An Act to amend the Air Transport Act 1964, Motor Traffic Act 1909, Motor Vehicle Driving Instructors Act 1961, Motor Vehicles Taxation Management Act 1949, Motor Vehicles (Third Party Insurance) Act 1942, Recreation Vehicles Act 1983 and State Transport (Co-ordination) Act 1931, with respect to the making and altering of fees and charges under those Acts, and for other purposes. [Assented to, 25th November, 1985.]

*Miscellaneous Acts (Motor Transport Fees and Charges) Amendment 1985*

**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 "Miscellaneous Acts (Motor Transport Fees and Charges) Amendment Act 1985".

**Commencement**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Transport (Fees and Charges) Amendment Act 1985.

**Schedules**

3. This Act contains the following Schedules:

SCHEDULE 1—AMENDMENTS

SCHEDULE 2—SAVINGS

**Amendments**

4. Each Act specified in Schedule 1 is amended in the manner specified in that Schedule in relation to that Act.

**Savings**

5. Schedule 2 has effect.

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SCHEDULE 1  
AMENDMENTS

(Sec. 4)

**Air Transport Act 1964 No. 36—**

(1) Section 2 (5)—

After section 2 (4), insert:

(5) A reference in this Act to a determined fee is a reference to a fee of an amount determined by an order in force under section 265B of the Transport Act 1930.

*Miscellaneous Acts (Motor Transport Fees and Charges) Amendment 1985*

SCHEDULE 1—*continued*  
AMENDMENTS—*continued*

(2) Section 5 (1) (c)—

Omit “another amount is prescribed, that other amount”, insert instead “another fee is determined, that other fee”.

(3) Section 13 (1) (a)—

Omit the paragraph.

**Motor Traffic Act 1909 No. 5—**

(1) Section 2 (1A)—

After section 2 (1), insert:

(1A) A reference in this Act to a determined fee is a reference to a fee of an amount determined by an order in force under section 265B of the Transport Act 1930.

(2) (a) Section 3 (1) (g2) (iii)—

Omit “the fees”, insert instead “for fees”.

(b) Section 3 (1) (m)—

Omit “prescribed”, insert instead “determined”.

(c) Section 3 (1) (s)—

Omit the paragraph, insert instead:

(s) require the payment of determined fees and regulate the payment and the application of those fees;

(3) Section 20—

Omit “prescribed” wherever occurring, insert instead “determined”.

(4) Schedule 1—

Omit the Schedule.

**Motor Vehicle Driving Instructors Act 1961 No. 60—**

(1) Section 3 (2)—

At the end of section 3, insert:

(2) A reference in this Act to a determined fee is a reference to a fee of an amount determined by an order in force under section 265B of the Transport Act 1930.

(2) Sections 5 (2), 6 (1) (b), 8 (1) (c), (2) (c)—

Omit “prescribed” wherever occurring, insert instead “determined”.

*Miscellaneous Acts (Motor Transport Fees and Charges) Amendment 1985*

SCHEDULE 1—*continued*  
AMENDMENTS—*continued*

(3) Section 14 (1) (b)—

Omit the paragraph, insert instead:

(b) the payment of fees under this Act;

**Motor Vehicles Taxation Management Act 1949 No. 34—**

(1) Section 3 (4)—

After section 3 (3), insert:

(4) A reference in this Act to a determined fee is a reference to a fee of an amount determined by an order in force under section 265B of the Transport Act 1930.

(2) Section 11—

Omit “which may be prescribed by regulation”, insert instead “determined in respect of the cancellation”.

**Motor Vehicles (Third Party Insurance) Act 1942 No. 15—**

(1) Section 5 (4)—

After section 5 (3), insert:

(4) A reference in this Act to a determined fee is a reference to a fee of an amount determined by an order in force under section 265B of the Transport Act 1930.

(2) Section 45 (2) (c)—

Omit “prescribed” where firstly occurring, insert instead “determined”.

**Recreation Vehicles Act 1983 No. 136—**

(1) Section 4 (4)—

After section 4 (3), insert:

(4) A reference in this Act to a determined fee is a reference to a fee of an amount determined by an order in force under section 265B of the Transport Act 1930.

(2) Section 17 (2) (b) (iv)—

Omit “prescribed”, insert instead “determined”.

**State Transport (Co-ordination) Act 1931 No. 32—**

(1) Section 3 (2)—

After section 3 (1), insert:

(2) A reference in this Act to a determined fee is a reference to a fee of an amount determined by an order in force under section 265B of the Transport Act 1930.



*Miscellaneous Acts (Motor Transport Fees and Charges) Amendment 1985*

SCHEDULE 1—*continued*  
 AMENDMENTS—*continued*

- (2) Sections 14 (3), (4), 17A (3), 20 (3)—  
 Omit “prescribed” wherever occurring, insert instead “determined”.
- (3) Section 22 (1)—  
 Omit “prescribed” where firstly occurring, insert instead “determined”.

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SCHEDULE 2

(Sec.5)

## SAVINGS

**General**

1. The amendment of a provision of an Act by this Act or of a provision of a regulation by reason of any such amendment shall not affect—

- (a) the previous operation of the provision or anything duly commenced to be done or done under the provision;
- (b) any right or liability acquired or incurred under the provision; or
- (c) any legal proceeding or remedy in respect of any such right or liability,

and any such legal proceeding or remedy may be instituted, continued or enforced as if the provision had not been amended.

**Regulations**

2. This Act does not repeal any regulation—
- (a) which was, immediately before the commencement of this Act, in force under an Act amended by this Act; and
  - (b) which could be made under that Act, as amended by this Act.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985







