

**STATE TRANSPORT (CO-ORDINATION) AMENDMENT
BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Transport (Amendment) Bill 1987.

The object of this Bill is to amend the State Transport (Co-ordination) Act 1931 in relation to the licensing of public passenger vehicles, in particular buses.

Clause 1 specifies the short title of the proposed Act.

Clause 2 gives effect to the Schedule of amendments to the Principal Act.

Schedule 1 (1) amends section 3 of the Principal Act in relation to the meaning of "public passenger vehicle" for the purposes of the Act. The definition of that term, as substituted by Schedule 1 (1) (a), excludes vehicles of a class or description prescribed by the regulations. In addition, proposed section 3 (3) is inserted to provide that a vehicle hired or otherwise used for a purpose such as the conveyance of goods does not become a public passenger vehicle for the purposes of the Principal Act merely because it carries a passenger incidentally to the main purpose for which it is used.

Schedule 1 (2) amends section 17 of the Principal Act so as to provide that—

- (a) in relation to the licence for a bus, the Commissioner—
 - (i) may, as part of the conditions of a licence (and instead of or in addition to fixing fares in the usual way), allow the operator of a service provided by means of the bus to contract with a group of persons (e.g. the parents of school children) for regular conveyance (Schedule 1 (2) (a), (b) and (c));
 - (ii) may, in the public interest, be a party to a contract of this sort with the holder of the licence for the bus (Schedule 1 (2) (c), proposed section 17 (2A)); and
 - (iii) shall determine fares or rates of remuneration having regard to the public interest, the general profitability of the operator and the level of fares or rates prevailing in the industry (Schedule 1 (2) (c), proposed section 17 (2B)); and

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- (b) in considering whether or not to grant a licence for any public passenger vehicle—
- (i) the public interest shall be the paramount consideration (Schedule 1 (2) (d));
and
 - (ii) the Commissioner shall have regard, in addition to the matters already specified in the section, to the need to avoid unnecessary or wasteful competition or overlapping of services and to the co-ordination of all forms of transport, including transport by means other than by road (Schedule 1 (2) (e) and (f)).

The section is also amended (by Schedule 1 (2) (g)) to take account of recent amendments to the Transport Authorities Act 1980.

Schedule 1 (3) amends section 17A of the Principal Act to dispense with the requirement that an application for variation of the conditions of a licence be made in a prescribed form.

Schedule 1 (4) amends section 18 of the Principal Act to require the Commissioner, before varying or adding to the conditions of a licence, to afford the licensee an opportunity to state any objection the licensee may have to the proposed variation or addition.

STATE TRANSPORT (CO-ORDINATION) AMENDMENT BILL 1987

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TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 32, 1931

SCHEDULE 1—AMENDMENTS

**STATE TRANSPORT (CO-ORDINATION) AMENDMENT
BILL 1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the State Transport (Co-ordination) Act 1931 with respect to the granting of licences under that Act and the conditions to which those licences are subject.

State Transport (Co-ordination) Amendment 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the State Transport (Co-ordination) Amendment Act 1987.

5 Amendment of Act No. 32, 1931

2. The State Transport (Co-ordination) Act 1931 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 2)

10 (1) Section 3 (**Definitions**)—

(a) Section 3 (1), definition of “Public passenger vehicle”—

Omit the definition, insert instead:

“Public passenger vehicle” means a motor vehicle—

(a) used or let or intended to be used or let; or

15 (b) plying or travelling or standing in a public street,

for the conveyance of passengers for hire or for any consideration or in the course of any trade or business, but does not include a vehicle used or let as referred to in subsection (3) or a vehicle of any prescribed class or description.

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(b) Section 3 (3)—

After section 3 (2), insert:

(3) A vehicle which is used or let for hire or for any consideration for the conveyance of goods or for some other purpose is not, for the purposes of this Act, a public passenger vehicle merely because, incidentally to the purpose for which it is used or let, it is used to convey any passenger.

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(2) Section 17 (**Certain conditions of licence**)—

(a) Section 17 (2) (a)—

30 Omit “charges” where firstly occurring, insert instead “other arrangements for remuneration”.

(b) Section 17 (2) (a)—

Omit “charges to be made”, insert instead “rates of remuneration to be charged”.

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SCHEDULE 1—AMENDMENTS—*continued*

(c) Section 17 (2A), (2B)—

After section 17 (2), insert:

(2A) For the purposes of subsection (2), the Commissioner, in respect of a motor omnibus—

- 5 (a) may, instead of or in addition to determining fares, approve of an arrangement for the remuneration of the holder of the licence for the motor omnibus, by passengers or by some person on their behalf, on a contractual basis that provides for—
- 10 (i) a single payment, in respect of the provision of a motor omnibus service to those passengers over a period or periods defined by the contract; or
- (ii) periodic payments in respect of a service so provided; and
- 15 (b) may, if the Commissioner considers it to be in the public interest, be a party to such a contract with the holder of the licence for the motor omnibus.

(2B) The fares to be charged, or other arrangements for remuneration to be made, in respect of a licensed motor omnibus shall be determined by the Commissioner having regard to—

- 20 (a) the public interest;
- (b) the profitability of the holder of the licence in respect of any service to be provided under the authority of the licence and any other services in the same ownership; and
- 25 (c) the general level of fares or other rates of remuneration applying to motor omnibus services.

(d) Section 17 (3)—

Omit “consider all such matters as he may think necessary or desirable, and in particular (where applicable) shall have regard to”, insert instead “have regard primarily to the extent to which any service to be provided under the licence is necessary or desirable in the public interest, but shall also take into consideration (where applicable)”.

(e) Section 17 (3) (c)—

Omit the paragraph, insert instead:

- (c) the need to avoid unnecessary or wasteful competition or overlapping of services;

(f) Section 17 (3) (d)—

Omit “rail or tram”, insert instead “means other than by road”.

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SCHEDULE 1—AMENDMENTS—*continued*

(g) Section 17 (3) (f1)—

After section 17 (3) (f), insert:

- (f1) any directions given under section 38 of the Transport Authorities Act 1980;

5 (3) Section 17A (**Variations of licences**)—

Section 17A (2)—

Omit “in the prescribed form and manner”, insert instead “in writing”.

(4) Section 18 (**Certain obligations in respect of public motor vehicles**)—

10 Section 18 (12)—

After section 18 (11), insert:

- 15 (12) The Commissioner shall not effect such a variation of or addition to the terms, conditions or authorities in respect of a licence unless the Commissioner has afforded the holder of the licence an opportunity to be heard as to any objection the holder of the licence may have to the variation or addition.

**STATE TRANSPORT (CO-ORDINATION) AMENDMENT
ACT 1987 No. 297**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 32, 1931

SCHEDULE 1—AMENDMENTS

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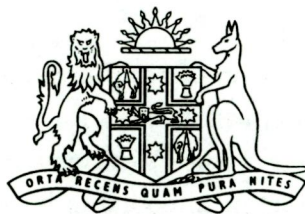
1930-1931

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STATE TRANSPORT (CO-ORDINATION) AMENDMENT ACT 1987
No. 297

NEW SOUTH WALES



Act No. 297, 1987

An Act to amend the State Transport (Co-ordination) Act 1931 with respect to the granting of licences under that Act and the conditions to which those licences are subject. [Assented to 16 December 1987]

State Transport (Co-ordination) Amendment 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the State Transport (Co-ordination) Amendment Act 1987.

Amendment of Act No. 32, 1931

2. The State Transport (Co-ordination) Act 1931 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 2)

(1) Section 3 (**Definitions**)—

(a) Section 3 (1), definition of “Public passenger vehicle”—

Omit the definition, insert instead:

“Public passenger vehicle” means a motor vehicle—

(a) used or let or intended to be used or let; or

(b) plying or travelling or standing in a public street,

for the conveyance of passengers for hire or for any consideration or in the course of any trade or business, but does not include a vehicle used or let as referred to in subsection (3) or a vehicle of any prescribed class or description.

(b) Section 3 (3)—

After section 3 (2), insert:

(3) A vehicle which is used or let for hire or for any consideration for the conveyance of goods or for some other purpose is not, for the purposes of this Act, a public passenger vehicle merely because, incidentally to the purpose for which it is used or let, it is used to convey any passenger.

(2) Section 17 (**Certain conditions of licence**)—

(a) Section 17 (2) (a)—

Omit “charges” where firstly occurring, insert instead “other arrangements for remuneration”.

(b) Section 17 (2) (a)—

Omit “charges to be made”, insert instead “rates of remuneration to be charged”.

State Transport (Co-ordination) Amendment 1987

SCHEDULE 1—AMENDMENTS—*continued*

(c) Section 17 (2A), (2B)—

After section 17 (2), insert:

(2A) For the purposes of subsection (2), the Commissioner, in respect of a motor omnibus—

(a) may, instead of or in addition to determining fares, approve of an arrangement for the remuneration of the holder of the licence for the motor omnibus, by passengers or by some person on their behalf, on a contractual basis that provides for—

- (i) a single payment, in respect of the provision of a motor omnibus service to those passengers over a period or periods defined by the contract; or
- (ii) periodic payments in respect of a service so provided; and

(b) may, if the Commissioner considers it to be in the public interest, be a party to such a contract with the holder of the licence for the motor omnibus.

(2B) The fares to be charged, or other arrangements for remuneration to be made, in respect of a licensed motor omnibus shall be determined by the Commissioner having regard to—

- (a) the public interest;
- (b) the profitability of the holder of the licence in respect of any service to be provided under the authority of the licence and any other services in the same ownership; and
- (c) the general level of fares or other rates of remuneration applying to motor omnibus services.

(d) Section 17 (3)—

Omit “consider all such matters as he may think necessary or desirable, and in particular (where applicable) shall have regard to”, insert instead “have regard primarily to the extent to which any service to be provided under the licence is necessary or desirable in the public interest, but shall also take into consideration (where applicable)”.

(e) Section 17 (3) (c)—

Omit the paragraph, insert instead:

- (c) the need to avoid unnecessary or wasteful competition or overlapping of services;

(f) Section 17 (3) (d)—

Omit “rail or tram”, insert instead “means other than by road”.

State Transport (Co-ordination) Amendment 1987

SCHEDULE 1—AMENDMENTS—*continued*

- (g) Section 17 (3) (f1)—
After section 17 (3) (f), insert:
(f1) any directions given under section 38 of the Transport Authorities Act 1980;
- (3) Section 17A (**Variations of licences**)—
Section 17A (2)—
Omit “in the prescribed form and manner”, insert instead “in writing”.
- (4) Section 18 (**Certain obligations in respect of public motor vehicles**)—
Section 18 (12)—
After section 18 (11), insert:
(12) The Commissioner shall not effect such a variation of or addition to the terms, conditions or authorities in respect of a licence unless the Commissioner has afforded the holder of the licence an opportunity to be heard as to any objection the holder of the licence may have to the variation or addition.



