

FIRST PRINT

## TRANSPORT (STAYSAFE) 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 Motor Traffic (Staysafe) Amendment Bill 1987.

The object of this Bill is to amend the Transport Act 1930 so as—

- (a) to repeal provisions relating to the licensing under that Act of drivers of public vehicles as a consequence of the proposed enactment of the Motor Traffic (Staysafe) Amendment Act 1987; and
- (b) to repeal provisions relating to the licensing of conductors under that Act which have become redundant.

The intention is that, after the enactment of the proposed Motor Traffic (Staysafe) Amendment Act 1987, all motor vehicle drivers' licences will be issued under the Motor Traffic Act 1909, as amended by that proposed Act.

The Bill also contains minor amendments to the Principal Act for the purpose of statute law revision and savings and transitional provisions as a consequence of the amendments described above.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the amendments relating to licences to be made by the proposed Act will commence when the drivers' licensing scheme under the Motor Traffic Act 1909 is varied by the proposed Motor Traffic (Staysafe) Amendment Act 1987.

Clause 3 defines the Principal Act.

*Transport (Staysafe) Amendment 1987*

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Clause 4 gives effect to the Schedules of amendments.

Clause 5 contains provisions—

- (a) saving driving licences issued under the regulations made under the Principal Act and deeming them to be licences under the Motor Traffic Act 1909, as proposed to be amended, and references to any such licence in other Acts or instruments; and
- (b) saving conditions of those driving licences, and suspensions of and disqualifications from holding those licences.

**SCHEDULE 1—AMENDMENTS RELATING TO LICENCES**

This Schedule contains minor amendments to the Principal Act giving effect to the intention to remove provisions relating to the licensing under that Act of drivers and conductors of public vehicles and to provide for the licensing of drivers of public motor vehicles under the Motor Traffic Act 1909.

**SCHEDULE 2—AMENDMENTS FOR THE PURPOSE OF STATUTE LAW REVISION**

The minor amendments proposed to be made to the Principal Act by this Schedule include—

- (a) updating references to the General Traffic Act 1900; and
  - (b) altering terminology to conform to that used in the Local Courts Act 1982.
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# TRANSPORT (STAYSAFE) AMENDMENT BILL 1987

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Principal Act
4. Amendment of Act No. 18, 1930
5. Savings

SCHEDULE 1—AMENDMENTS RELATING TO LICENCES

SCHEDULE 2—AMENDMENTS FOR THE PURPOSE OF STATUTE LAW  
REVISION

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# TRANSPORT (STAYSAFE) AMENDMENT BILL 1987

NEW SOUTH WALES



No.           , 1987

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## A BILL FOR

An Act to amend the Transport Act 1930 so as to remove from that Act provisions for licensing drivers and conductors; and for other purposes.

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*Transport (Staysafe) Amendment 1987*

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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 (Staysafe) Amendment Act 1987".

**Commencement**

**2. (1)** Except as provided by subsection (2), this Act shall commence  
15 on the date of assent to this Act.

**(2)** Schedule 1, section 4 in its application to that Schedule, and section 5 shall commence when Schedule 1 to the Motor Traffic (Staysafe) Amendment Act 1987 commences.

**Principal Act**

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

**Amendment of Act No. 18, 1930**

**4.** The Principal Act is amended in the manner set forth in Schedules 1 and 2.

**Savings**

**20 5. (1)** A licence issued in accordance with the regulations made under the Principal Act and in force immediately before the commencement of this section shall be deemed to be a licence granted under the Motor Traffic Act 1909, as amended by the Motor Traffic (Staysafe) Amendment Act 1987.

**25 (2)** Any condition, restriction or limitation to which any such licence was subject immediately before the commencement of this section shall be deemed to have been duly imposed under that Act, as so amended.

**(3)** Any period of—

(a) suspension to which any such licence was so subject; or

**30 (b)** disqualification from obtaining such a licence to which any person was so subject,

shall be deemed to have been imposed under that Act, as so amended.

*Transport (Staysafe) Amendment 1987*

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(4) A reference in any other Act or in any regulation or other instrument (enacted, made or entered into before the commencement of this section) to a licence issued in accordance with the regulations made under the Principal Act shall be read as a reference to a licence granted under the  
5 Motor Traffic Act 1909, as amended by the Motor Traffic (Staysafe) Amendment Act 1987.

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SCHEDULE 1

(Sec. 4)

AMENDMENTS RELATING TO LICENCES

- 10 (1) Section 4 (1) (**Interpretation**)—
- (a) Section 4 (1), definitions of “Licence”, “Prescribed”—  
Omit the definitions.
- (b) Section 4 (1), definition of “Passenger”—  
Omit “or conductor”.
- 15 (2) Section 8 (**Regulations etc. continued**)—
- Section 8 (2)—  
Omit “or to the licensing of drivers and conductors thereof”.
- (3) Section 15 (**Public vehicles**)—
- Section 15 (2)—
- 20 Omit the subsection, insert instead:
- (2) On and from the date so appointed—
- (a) any such vehicles shall be licensed and regulated; and
- (b) any such drivers shall be regulated,
- in accordance with the provisions of this Act and the regulations.

*Transport (Staysafe) Amendment 1987*

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SCHEDULE 1—*continued*

AMENDMENTS RELATING TO LICENCES—*continued*

(4) Section 133 (**Commencement and application of Part**)—

Section 133 (2)—

Omit the subsection, insert instead:

- 5 (2) The provisions of this Part relating to the registration of motor omnibuses extend to any motor omnibus operated by the Trust.

(5) Section 145 (**Registration certificate**)—

Section 145 (5)—

Omit “conductor or” wherever occurring.

10 (6) Section 148 (**Provision as to licences, &c. in force at commencement of this Part**)—

Omit the section.

(7) Section 149 (**Regulations continued**)—

Omit the section.

15 (8) Section 150 (**Drivers, conductors, &c.**)—

Omit the section.

(9) Section 151 (**Duration of licence**)—

Omit the section.

(10) Section 167 (**Transport Appeal Court**)—

20 Section 167 (1)—

Omit “or drivers’ or conductors’ licences”.

(11) Part XIII A, heading—

Omit “AND DRIVERS’ AND CONDUCTORS’ LICENCES”.



*Transport (Staysafe) Amendment 1987*

SCHEDULE 1—*continued*  
 AMENDMENTS RELATING TO LICENCES—*continued*

## (12) Section 169—

Omit the section, insert instead:

**Commissioner to notify certain decisions**

5 169. (1) Where the Commissioner for Motor Transport (in this section referred to as “the Commissioner”) decides to refuse to grant, renew or transfer, or decides to cancel, a registration certificate, the Commissioner shall cause—

(a) the person applying for the grant, renewal or transfer of the registration certificate; or

10 (b) the holder of the cancelled registration certificate,

as the case may be, to be served personally or by post with a notice setting out the decision and the reason for it.

15 (2) A decision of the Commissioner to cancel a registration certificate shall have effect on and from the date on which the holder of the certificate is notified in accordance with subsection (1).

(13) Section 169A (**Appeals**)—

(a) Section 169A (1)—

Omit “Subject to subsection (8), any”, insert instead “Any”.

20 (b) Section 169A (8)—

Omit the subsection.

(14) Section 173 (**Staffing arrangements, etc.**)—

Section 173 (1)—

25 Omit “, the licensing of drivers under the Motor Traffic Act 1909”.

(15) Section 202 (**Fund to be established**)—

Section 202 (2) (d5) (ii)—

Omit “driver’s and rider’s licence”, insert instead “driver’s licence granted under the Motor Traffic Act 1909”.

*Transport (Staysafe) Amendment 1987*

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SCHEDULE 1—*continued*

AMENDMENTS RELATING TO LICENCES—*continued*

- (16) Section 211 (**Administration**)—  
 Section 211 (2)—  
 Omit “and the licensing of drivers and conductors”.
- (17) Section 238 (**Driving unregistered public vehicle**)—  
 5 (a) Section 238 (1)—  
 Omit “who—”, insert instead “who drives a public vehicle upon a public street knowing that the vehicle is not registered pursuant to this Act”.  
 (b) Section 238 (1) (a), (b)—  
 10 Omit the paragraphs.
- (18) Section 239 (**Use of number-plates**)—  
 (a) Section 239 (a)—  
 15 Omit “not licensed as a driver”, insert instead “who is not the holder of an appropriate licence granted under the Motor Traffic Act 1909”.  
 (b) Section 239 (b)—  
 Omit the paragraph.
- (19) Section 243 (**Using vehicles**)—  
 Omit “conductor,”.
- 20 (20) Section 250 (**Recovery of fares etc.**)—  
 Section 250 (4), (5)—  
 Omit section 250 (4), (5), insert instead:  
 (4) When convicting a person of an offence against this Act or the regulations, the Court may order the payment to another person of such an amount as compensation for loss of time or expense incurred because of the offence as the Court thinks fit.  
 25 (5) The other person may recover as a debt in any court of competent jurisdiction any amount so ordered to be paid.

*Transport (Staysafe) Amendment 1987*


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SCHEDULE 1—*continued*  
 AMENDMENTS RELATING TO LICENCES—*continued*

(21) Section 255 (**Records and evidence**)—

Section 255 (1) (a)—

Omit the paragraph, insert instead:

- 5 (a) particulars of service licences, the registration of motor omnibuses or other public vehicles and related matters, including particulars relating to—
- (i) the grant, refusal, renewal, suspension and cancellation of registration and of service licences; and
- 10 (ii) the transfer of registration; and

(22) Section 264 (**Regulations recommended by a Trust**)—

(a) Section 264 (1) (t)—

Omit “thereof.”, insert instead “of the public vehicle;”.

(b) Section 264 (1) (t)—

15 Omit the last 2 paragraphs.

(c) Section 264 (1) (aa), (ab), (ac)—

Omit the paragraphs.

(d) Section 264 (1) (abi), (ad), (av), (ba)—

Omit “and conductors” wherever occurring.

20 (e) Section 264 (1) (au)—

Omit “, and the drivers and conductors thereof licensed”.

(f) Section 264 (1) (ax)—

Before “licensees”, insert “service”.

*Transport (Staysafe) Amendment 1987*

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## SCHEDULE 2

(Sec. 4)

## AMENDMENTS FOR THE PURPOSE OF STATUTE LAW REVISION

- 5 (1) Sections 7 (1), 15 (1), (2A), 135 (1) (a), (2), 148, 158 (g), 202 (1) (a), (2) (a), 203 (1), 213 (2), (3), 258, 264 (2), 265 (1), 268 (5)—  
Omit "Metropolitan" wherever occurring, insert instead "General".
- (2) Sections 7 (1), 258, 264 (2), 265 (1), 268 (5)—  
Omit "-1930" wherever occurring.
- 10 (3) (a) Section 63 (3) (a)—  
Omit "magistrate", insert instead "Magistrate".
- (b) Section 63 (3) (c)—  
Omit "court of petty sessions" wherever occurring, insert instead "Local Court".

# TRANSPORT (STAYSAFE) AMENDMENT ACT 1987 No. 96

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Principal Act
4. Amendment of Act No. 18, 1930
5. Savings

SCHEDULE 1—AMENDMENTS RELATING TO LICENCES

SCHEDULE 2—AMENDMENTS FOR THE PURPOSE OF STATUTE LAW  
REVISION

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**TRANSPORT (STAYSAFE) AMENDMENT ACT 1987 No. 96**

NEW SOUTH WALES



**Act No. 96, 1987**

An Act to amend the Transport Act 1930 so as to remove from that Act provisions for licensing drivers and conductors; and for other purposes.  
[Assented to 12 June 1987]

*Transport (Staysafe) Amendment 1987*

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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 (Staysafe) Amendment Act 1987".

**Commencement**

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) Schedule 1, section 4 in its application to that Schedule, and section 5 shall commence when Schedule 1 to the Motor Traffic (Staysafe) Amendment Act 1987 commences.

**Principal Act**

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

**Amendment of Act No. 18, 1930**

4. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

**Savings**

5. (1) A licence issued in accordance with the regulations made under the Principal Act and in force immediately before the commencement of this section shall be deemed to be a licence granted under the Motor Traffic Act 1909, as amended by the Motor Traffic (Staysafe) Amendment Act 1987.

(2) Any condition, restriction or limitation to which any such licence was subject immediately before the commencement of this section shall be deemed to have been duly imposed under that Act, as so amended.

(3) Any period of—

(a) suspension to which any such licence was so subject; or

(b) disqualification from obtaining such a licence to which any person was so subject,

shall be deemed to have been imposed under that Act, as so amended.



*Transport (Staysafe) Amendment 1987*

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(4) A reference in any other Act or in any regulation or other instrument (enacted, made or entered into before the commencement of this section) to a licence issued in accordance with the regulations made under the Principal Act shall be read as a reference to a licence granted under the Motor Traffic Act 1909, as amended by the Motor Traffic (Staysafe) Amendment Act 1987.

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SCHEDULE 1

(Sec. 4)

AMENDMENTS RELATING TO LICENCES

- (1) Section 4 (1) (**Interpretation**)—
- (a) Section 4 (1), definitions of “Licence”, “Prescribed”—  
Omit the definitions.
- (b) Section 4 (1), definition of “Passenger”—  
Omit “or conductor”.
- (2) Section 8 (**Regulations etc. continued**)—
- Section 8 (2)—  
Omit “or to the licensing of drivers and conductors thereof”.
- (3) Section 15 (**Public vehicles**)—
- Section 15 (2)—  
Omit the subsection, insert instead:
- (2) On and from the date so appointed—
- (a) any such vehicles shall be licensed and regulated; and
- (b) any such drivers shall be regulated,
- in accordance with the provisions of this Act and the regulations.

SCHEDULE 1—*continued*AMENDMENTS RELATING TO LICENCES—*continued*(4) Section 133 (**Commencement and application of Part**)—

Section 133 (2)—

Omit the subsection, insert instead:

(2) The provisions of this Part relating to the registration of motor omnibuses extend to any motor omnibus operated by the Trust.

(5) Section 145 (**Registration certificate**)—

Section 145 (5)—

Omit “conductor or” wherever occurring.

(6) Section 148 (**Provision as to licences, &c. in force at commencement of this Part**)—

Omit the section.

(7) Section 149 (**Regulations continued**)—

Omit the section.

(8) Section 150 (**Drivers, conductors, &c.**)—

Omit the section.

(9) Section 151 (**Duration of licence**)—

Omit the section.

(10) Section 167 (**Transport Appeal Court**)—

Section 167 (1)—

Omit “or drivers’ or conductors’ licences”.

## (11) Part XIII A, heading—

Omit “AND DRIVERS’ AND CONDUCTORS’ LICENCES”.

*Transport (Staysafe) Amendment 1987*

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SCHEDULE 1—*continued*

AMENDMENTS RELATING TO LICENCES—*continued*

(12) Section 169—

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169. (1) Where the Commissioner for Motor Transport (in this section referred to as “the Commissioner”) decides to refuse to grant, renew or transfer, or decides to cancel, a registration certificate, the Commissioner shall cause—

(a) the person applying for the grant, renewal or transfer of the registration certificate; or

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as the case may be, to be served personally or by post with a notice setting out the decision and the reason for it.

(2) A decision of the Commissioner to cancel a registration certificate shall have effect on and from the date on which the holder of the certificate is notified in accordance with subsection (1).

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*Transport (Staysafe) Amendment 1987*

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SCHEDULE 1—*continued*

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(a) Section 238 (1)—

Omit “who—”, insert instead “who drives a public vehicle upon a public street knowing that the vehicle is not registered pursuant to this Act”.

(b) Section 238 (1) (a), (b)—

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(18) Section 239 (**Use of number-plates**)—

(a) Section 239 (a)—

Omit “not licensed as a driver”, insert instead “who is not the holder of an appropriate licence granted under the Motor Traffic Act 1909”.

(b) Section 239 (b)—

Omit the paragraph.

(19) Section 243 (**Using vehicles**)—

Omit “conductor,”.

(20) Section 250 (**Recovery of fares etc.**)—

Section 250 (4), (5)—

Omit section 250 (4), (5), insert instead:

(4) When convicting a person of an offence against this Act or the regulations, the Court may order the payment to another person of such an amount as compensation for loss of time or expense incurred because of the offence as the Court thinks fit.

(5) The other person may recover as a debt in any court of competent jurisdiction any amount so ordered to be paid.

*Transport (Staysafe) Amendment 1987*

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SCHEDULE 1—*continued*

AMENDMENTS RELATING TO LICENCES—*continued*

(21) Section 255 (**Records and evidence**)—

Section 255 (1) (a)—

Omit the paragraph, insert instead:

(a) particulars of service licences, the registration of motor omnibuses or other public vehicles and related matters, including particulars relating to—

(i) the grant, refusal, renewal, suspension and cancellation of registration and of service licences; and

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(22) Section 264 (**Regulations recommended by a Trust**)—

(a) Section 264 (1) (t)—

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(c) Section 264 (1) (aa), (ab), (ac)—

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(d) Section 264 (1) (abi), (ad), (av), (ba)—

Omit “and conductors” wherever occurring.

(e) Section 264 (1) (au)—

Omit “, and the drivers and conductors thereof licensed”.

(f) Section 264 (1) (ax)—

Before “licensees”, insert “service”.

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*Transport (Staysafe) Amendment 1987*

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## SCHEDULE 2

(Sec. 4)

## AMENDMENTS FOR THE PURPOSE OF STATUTE LAW REVISION

- (1) Sections 7 (1), 15 (1), (2A), 135 (1) (a), (2), 148, 158 (g), 202 (1) (a), (2) (a), 203 (1), 213 (2), (3), 258, 264 (2), 265 (1), 268 (5)—

Omit "Metropolitan" wherever occurring, insert instead "General".

- (2) Sections 7 (1), 258, 264 (2), 265 (1), 268 (5)—

Omit "-1930" wherever occurring.

- (3) (a) Section 63 (3) (a)—

Omit "magistrate", insert instead "Magistrate".

- (b) Section 63 (3) (c)—

Omit "court of petty sessions" wherever occurring, insert instead "Local Court".



