

**STATE TRANSPORT (CO-ORDINATION) AMENDMENT  
ACT 1988 No. 36**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of State Transport (Co-ordination) Act 1931 No. 32
4. Amendment of Transport Accidents Compensation Act 1987 No. 101
5. Transitional provision

SCHEDULE 1—AMENDMENTS

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**STATE TRANSPORT (CO-ORDINATION) AMENDMENT ACT 1988**  
**No. 36**

NEW SOUTH WALES



**Act No. 36, 1988**

An Act to amend the State Transport (Co-ordination) Act 1931 to remove certain restrictions on the licensing of bus services; and for other purposes.  
[Assented to 6 July 1988]

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See also Transport (Amendment) Act 1988.

*State Transport (Co-ordination) Amendment 1988*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the State Transport (Co-ordination) Amendment Act 1988.

**Commencement**

2. This Act commences on a day to be appointed by proclamation.

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

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

**Amendment of Transport Accidents Compensation Act 1987 No. 101**

4. The Transport Accidents Compensation Act 1987 is amended—

(a) by inserting after section 3 (6) the following subsection:

(7) For the purposes of this Act, a motor vehicle which is licensed under the State Transport (Co-ordination) Act 1931 but not registered under the Motor Traffic Act 1909 or the Transport Act 1930 is to be taken to be registered under the Motor Traffic Act 1909, but only if the amount which would have been paid under section 24 if the vehicle was registered under the Motor Traffic Act 1909 for the term of the licence has been paid to the Commissioner for Motor Transport.

(b) by inserting in section 25 after the matter "24 (1) or (2)" the words "of this Act or section 16 (1) of the State Transport (Co-ordination) Act 1931".

**Transitional provision**

5. Section 16 (2) of the State Transport (Co-ordination) Act 1931 (as in force immediately before the commencement of this Act) applies to a licence issued under that Act for a public passenger vehicle before that commencement as if that provision had not been amended by this Act.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 14 (**Licences**)—

Section 14 (2) (d)—

Omit "under the Motor Traffic Act 1909, or the Transport Act 1930", insert instead "whether within or outside New South Wales".

*State Transport (Co-ordination) Amendment 1988*

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SCHEDULE 1—AMENDMENTS—*continued*

(2) Section 16 (**Issue of licences**)—

Section 16 (1)–(3)—

Omit section 16 (1) and (2), insert instead:

(1) A licence shall not be issued under this Act for a public passenger vehicle unless—

- (a) it is registered under the Motor Traffic Act 1909 or the Transport Act 1930; or
- (b) it is registered under the law of another State or a Territory and the Commissioner is satisfied that the vehicle is fit for safe use on public streets and is also satisfied—

- (i) that the amount which would have been payable under section 24 of the Transport Accidents Compensation Act 1987 before the vehicle could be registered under the Motor Traffic Act 1909 for the term of the licence has been paid to the Commissioner; or

- (ii) that adequate provision has otherwise been made for any person who may suffer injury arising out of use of the vehicle in accordance with the licence.

(2) A licence issued for a public passenger vehicle continues in force for a period determined by the Commissioner and specified in the licence.

(3) The Commissioner may extend the period referred to in subsection (2) by giving written notice to that effect to the holder of the licence.

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

(a) Section 17 (3)—

Omit “In”, insert instead “Except as provided by subsection (3A), in”.

(b) Section 17 (3A), (3B)—

After section 17 (3), insert:

(3A) The Commissioner shall not have regard to the matters referred to in subsection (3) (b), (c) and (d) in dealing with an application for a licence for a motor omnibus—

- (a) being a licence which will be subject to conditions prescribed or determined under this section and requiring—

*State Transport (Co-ordination) Amendment 1988*

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SCHEDULE 1—AMENDMENTS—*continued*

- (i) that each passenger carried on the omnibus must be carried for at least 40 kilometres (subject to specified exceptions such as would permit travel of less than 40 kilometres on either of two integrated omnibus services where the total distance the passenger travels is at least 40 kilometres); and
- (ii) that no passenger will be carried on the omnibus on a journey wholly within the Metropolitan Transport District; or
- (b) being a licence which will be subject to conditions prescribed or determined under this section and requiring—
  - (i) that each passenger carried on the omnibus must be carried for the purposes of tourism or that the service on which the omnibus is used must be provided on a charter basis; and
  - (ii) that no passenger will be carried on the omnibus on a journey wholly within any area prescribed by the regulations for the purposes of this paragraph.

(3B) Regulations may be made varying the distance referred to in subsection (3A) (a).

(4) Section 17A (**Variations of licences**)—

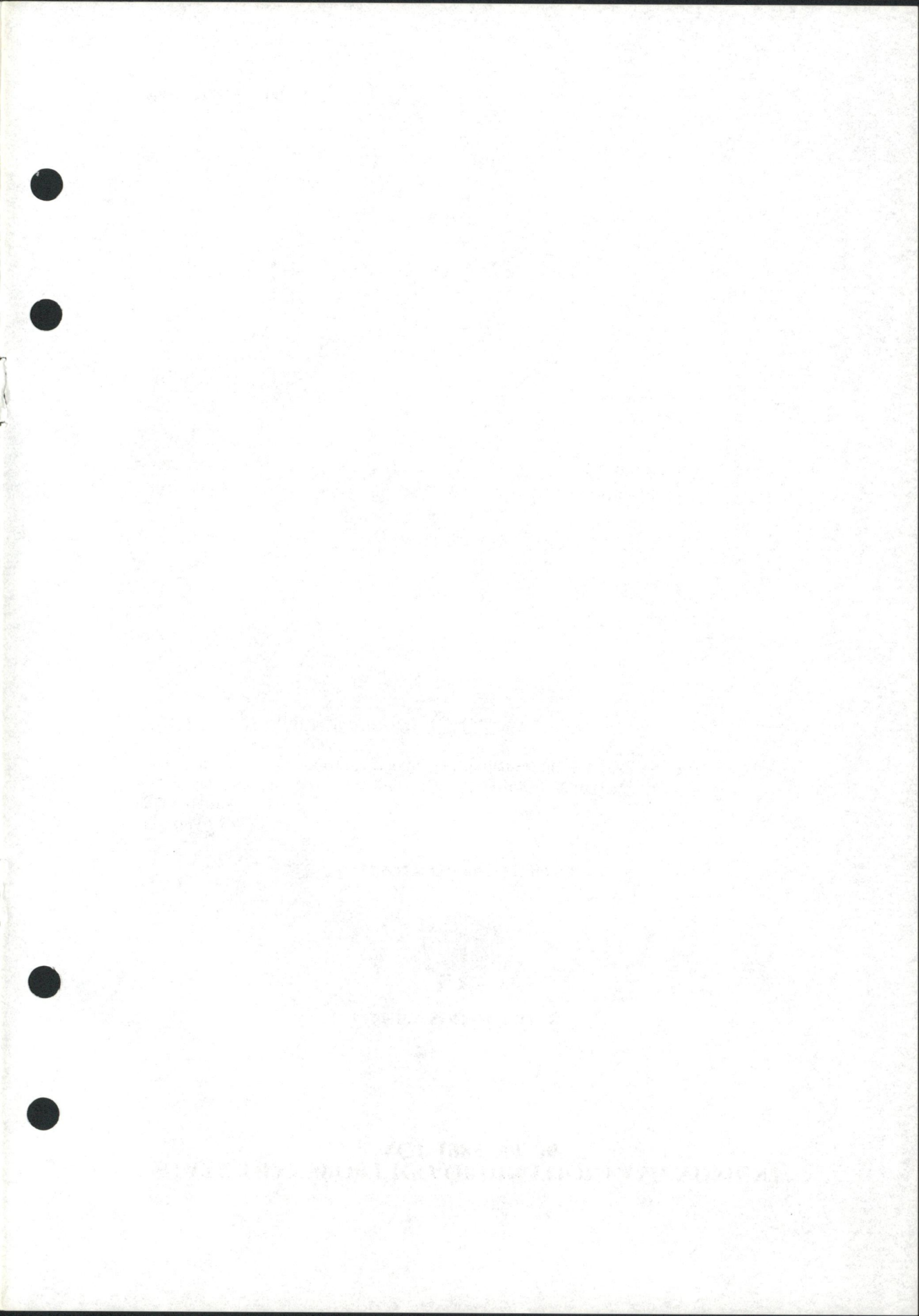
Section 17A (5)—

Omit “Subsections (3) and (4)”, insert instead “Subsections (3)–(4)”.

(5) Section 21 (**Cancellation of licence**)—

Section 21 (3)—

Omit “, or the Transport Act 1930”, insert instead “, the Transport Act 1930 or the law of another State or a Territory”.







FIRST PRINT

**STATE TRANSPORT (CO-ORDINATION) AMENDMENT  
BILL 1988**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

The Transport (Amendment) Bill 1988 is cognate with this Bill.

The object of this Bill is to amend the State Transport (Co-ordination) Act 1931 to provide that—

- (a) a bus may be licensed under that Act even if it is not registered in New South Wales if it is registered in another State or a Territory and the Commissioner for Motor Transport is satisfied that it is safe to use and is also satisfied—
  - (i) that TransCover contributions have been paid in respect of the bus; or
  - (ii) that other arrangements have been made for the compensation of persons injured as a consequence of use of the bus; and
- (b) the Commissioner is not to take into account matters relating to unnecessary competition or overlapping of services when deciding whether to grant licences for certain bus services.

The Bill also amends the Transport Accidents Compensation Act 1987 to extend the TransCover scheme to buses referred to in paragraph (a) above if contributions have been paid in respect of them.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides that the proposed Act is to commence on a proclaimed day.

**Clause 3** is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

**Clause 4** amends section 3 of the Transport Accidents Compensation Act 1987 so that a bus in respect of which TransCover contributions have been paid will be treated as if it were registered in New South Wales even if, in fact, it is not so registered and amends section 25 of that Act so as to provide for payment of those contributions to the Government Insurance Office.

*State Transport (Co-ordination) Amendment 1988*

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**Clause 5** is a transitional provision which provides that a licence for a bus issued before the commencement of the proposed Act will cease to have effect when the current registration of the bus expires. Any renewal of the licence will specify the period for which the licence continues in force in accordance with section 16 (2) of the Principal Act, as substituted by Schedule 1 (2).

**SCHEDULE 1—AMENDMENTS**

**New South Wales registration of certain buses not required**

The Bill amends section 16 (Issue of licences) of the Principal Act to enable the licensing under that Act of buses which are not registered in New South Wales but are registered in another State or a Territory if the Commissioner is satisfied that they are safe and that TransCover contributions have been paid in respect of them or that other adequate arrangements have been made to compensate victims of accidents involving any such bus. (Schedule 1 (2)). Consequential amendments are made to sections 14 and 21 of the Principal Act. (Schedule 1 (1) and (5)).

**Long distance, tourist and charter bus services**

The Bill amends section 17 (Certain conditions of licence) of the Principal Act to provide that the Commissioner is not, when deciding whether to grant a licence for certain bus services, to have regard to criteria relating to the need to avoid unnecessary competition or overlapping of services. These criteria will not apply to bus services—

- (a) on which all passengers are to be carried for 40 kilometres or more (subject to exceptions such as would permit travel for a shorter distance on each of two integrated services where the total distance travelled is not less than 40 kilometres) but on which no passenger is to be carried just within the Metropolitan Transport District; or
- (b) on which all passengers are to be carried for the purposes of tourism or on a charter basis, but on which no passenger is to be carried just within any area prescribed by regulations made under the Principal Act.

A provision is included allowing regulations to be made varying that distance. (Schedule 1 (3)). A consequential amendment is made to section 17A of the Principal Act. (Schedule 1 (4)).

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# STATE TRANSPORT (CO-ORDINATION) AMENDMENT BILL 1988

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS

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**STATE TRANSPORT (CO-ORDINATION) AMENDMENT  
BILL 1988**

NEW SOUTH WALES



No. , 1988

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**A BILL FOR**

An Act to amend the State Transport (Co-ordination) Act 1931 to remove certain restrictions on the licensing of bus services; and for other purposes.

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See also Transport (Amendment) Act 1988.

*State Transport (Co-ordination) Amendment 1988*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the State Transport (Co-ordination) Amendment Act 1988.

**5 Commencement**

2. This Act commences on a day to be appointed by proclamation.

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

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

**10 Amendment of Transport Accidents Compensation Act 1987 No. 101**

4. The Transport Accidents Compensation Act 1987 is amended—

(a) by inserting after section 3 (6) the following subsection:

15 (7) For the purposes of this Act, a motor vehicle which is licensed under the State Transport (Co-ordination) Act 1931 but not registered under the Motor Traffic Act 1909 or the Transport Act 1930 is to be taken to be registered under the Motor Traffic Act 1909, but only if the amount which would have been paid under section 24 if the vehicle was registered under the Motor Traffic Act 1909 for the term of the licence has been paid to the Commissioner for Motor Transport.

20 (b) by inserting in section 25 after the matter “24 (1) or (2)” the words “of this Act or section 16 (1) of the State Transport (Co-ordination) Act 1931”.

**Transitional provision**

25 5. Section 16 (2) of the State Transport (Co-ordination) Act 1931 (as in force immediately before the commencement of this Act) applies to a licence issued under that Act for a public passenger vehicle before that commencement as if that provision had not been amended by this Act.

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**SCHEDULE 1—AMENDMENTS**

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(Sec. 3)

(1) Section 14 (Licences)—

Section 14 (2) (d)—

35 Omit “under the Motor Traffic Act 1909, or the Transport Act 1930”, insert instead “,whether within or outside New South Wales”.

*State Transport (Co-ordination) Amendment 1988*SCHEDULE 1—AMENDMENTS—*continued*(2) Section 16 (**Issue of licences**)—

## Section 16 (1)–(3)—

Omit section 16 (1) and (2), insert instead:

5 (1) A licence shall not be issued under this Act for a public passenger vehicle unless—

(a) it is registered under the Motor Traffic Act 1909 or the Transport Act 1930; or

10 (b) it is registered under the law of another State or a Territory and the Commissioner is satisfied that the vehicle is fit for safe use on public streets and is also satisfied—

(i) that the amount which would have been payable under section 24 of the Transport Accidents Compensation Act 1987 before the vehicle could be registered under the Motor Traffic Act 1909 for the term of the licence has been paid to the Commissioner; or

(ii) that adequate provision has otherwise been made for any person who may suffer injury arising out of use of the vehicle in accordance with the licence.

20 (2) A licence issued for a public passenger vehicle continues in force for a period determined by the Commissioner and specified in the licence.

25 (3) The Commissioner may extend the period referred to in subsection (2) by giving written notice to that effect to the holder of the licence.

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

## (a) Section 17 (3)—

Omit “In”, insert instead “Except as provided by subsection (3A), in”.

## 30 (b) Section 17 (3A), (3B)—

After section 17 (3), insert:

(3A) The Commissioner shall not have regard to the matters referred to in subsection (3) (b), (c) and (d) in dealing with an application for a licence for a motor omnibus—

35 (a) being a licence which will be subject to conditions prescribed or determined under this section and requiring—

*State Transport (Co-ordination) Amendment 1988*

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SCHEDULE 1—AMENDMENTS—*continued*

- 5 (i) that each passenger carried on the omnibus must be carried for at least 40 kilometres (subject to specified exceptions such as would permit travel of less than 40 kilometres on either of two integrated omnibus services where the total distance the passenger travels is at least 40 kilometres); and
- (ii) that no passenger will be carried on the omnibus on a journey wholly within the Metropolitan Transport District; or
- 10 (b) being a licence which will be subject to conditions prescribed or determined under this section and requiring—
- (i) that each passenger carried on the omnibus must be carried for the purposes of tourism or that the service on which the omnibus is used must be provided on a charter basis; and
- 15 (ii) that no passenger will be carried on the omnibus on a journey wholly within any area prescribed by the regulations for the purposes of this paragraph.
- 20 (3B) Regulations may be made varying the distance referred to in subsection (3A) (a).
- (4) Section 17A (**Variations of licences**)—
- Section 17A (5)—
- 25 Omit “Subsections (3) and (4)”, insert instead “Subsections (3)–(4)”.
- (5) Section 21 (**Cancellation of licence**)—
- Section 21 (3)—
- Omit “, or the Transport Act 1930”, insert instead “, the Transport Act 1930 or the law of another State or a Territory”.