

TRANSPORT (AMENDMENT) ACT 1988 No. 37

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Transport Act 1930 No. 18

SCHEDULE 1—AMENDMENTS





TRANSPORT (AMENDMENT) ACT 1988 No. 37

NEW SOUTH WALES



Act No. 37, 1988

An Act to amend the Transport Act 1930 with respect to the licensing of bus services and the registration of buses. [Assented to 6 July 1988]

Transport (Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Transport (Amendment) Act 1988.

Commencement

2. This Act commences when the State Transport (Co-ordination) Amendment Act 1988 commences.

Amendment of Transport Act 1930 No. 18

3. The Transport Act 1930 is amended as set out in Schedule 1.
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SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 135 (Motor omnibus services to be licensed)—

Section 135 (1B)—

After section 135 (1A), insert:

(1B) The Commissioner may, by written notice, exempt a person carrying on a motor omnibus service which conveys passengers—

(a) from a place outside a district to a place within the district;
or

(b) from a place within a district to a place outside the district,
from the requirement to hold a service licence in respect of that service.

(2) Section 137 (Service licence)—

(a) Section 137 (3)—

Omit "In", insert instead "Except as provided by subsection (6), in".

(b) Section 137 (6), (7)—

After section 137 (5), insert:

(6) The Commissioner shall not take into consideration the matters referred to in subsections (3) (b), (c) and (d) and (5) in determining whether or not to grant any application for a service licence with respect to a motor omnibus service—

(a) being a licence which will be subject to conditions prescribed or imposed under section 138 and requiring—

*Transport (Amendment) 1988*SCHEDULE 1—AMENDMENTS—*continued*

- (i) that each passenger carried on the omnibus providing the service 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 service on a journey wholly within the Metropolitan Transport District; or
- (b) being a licence which will be subject to conditions prescribed or imposed under section 138 and requiring—
- (i) that each passenger carried on the omnibus providing the service must be carried for the purposes of tourism or that the service must be provided on a charter basis; and
 - (ii) that no passenger will be carried on the service on a journey wholly within any area prescribed by the regulations for the purposes of this paragraph.

(7) Regulations may be made varying the distance referred to in subsection (6) (a).

(3) Section 138A (**Variations of conditions**)—

Section 138A (4)—

Omit “referred to in section 137 (3) and (5) as may appear relevant.”, insert instead:

referred to in section 137 (3) and (5)—

- (a) as would be required to be taken into account if the application were for a service licence; and
- (b) as may appear relevant to the Commissioner.

(4) Section 144—

Omit the section, insert instead:

Registration of motor omnibuses

144. No person shall use any vehicle on a motor omnibus service the route of which is wholly or partly within any district unless the vehicle—

- (a) is registered as a motor omnibus in pursuance of this Act or the Motor Traffic Act 1909; or
- (b) is registered as a motor omnibus under the law of another State or a Territory and is licensed under the State Transport (Co-ordination) Act 1931; or

Transport (Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

- (c) is a taxi-cab that is the subject of a contract or an arrangement entered into under, and for the time being approved by the Commissioner in accordance with, section 134A.
- (5) Section 237 (**Owner not to allow unregistered public vehicle to be driven**)—
Omit “pursuant to this Act”, insert instead “as referred to in section 144”.
- (6) Section 238 (**Driving unregistered public vehicle**)—
Section 238 (1)—
Omit “pursuant to this Act”, insert instead “as referred to in section 144”.
- (7) Section 241 (**Number-plates**)—
Section 241 (2)—
After “registration”, insert “, whether within or outside New South Wales, ”.

FIRST PRINT

TRANSPORT (AMENDMENT) BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the State Transport (Co-ordination) Amendment Bill 1988.

The object of this Bill is to amend the Transport Act 1930 to provide that—

- (a) a person carrying on a bus service which does not operate wholly within one of the Transport Districts established by that Act may be exempted by the Commissioner for Motor Transport from holding a service licence;
- (b) the Commissioner is not to take into account matters relating to unnecessary competition or overlapping services when deciding whether to grant service licences for certain bus services; and
- (c) a bus need not be registered in New South Wales if it is registered in another State or a Territory and licensed under the State Transport (Co-ordination) Act 1931 pursuant to proposed amendments to that Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence at the commencement of the proposed State Transport (Co-ordination) Amendment Act 1988.

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

SCHEDULE 1—AMENDMENTS

Service licences not required for certain bus services

The Bill amends section 135 (Motor omnibus services to be licensed) of the Principal Act to enable the Commissioner to exempt a person from the requirement to hold a service licence in respect of a bus service conveying passengers from a place within a Transport District to a place outside the District or from a place outside such a District to a place within the District. (Schedule 1 (1)).

Transport (Amendment) 1988

Long distance, tourist and charter bus services

The Bill amends section 137 (Service licences) of the Principal Act to provide that the Commissioner is not, when deciding whether to grant a service licence in respect of certain bus services, to have regard to criteria relating to the need to avoid unnecessary competition or overlapping 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 (2)). A consequential amendment is made to section 138A of the Principal Act. (Schedule 1 (3)).

New South Wales registration of certain buses not required

The Bill substitutes section 144 (Registration of motor omnibuses) of the Principal Act to enable buses which are not registered in New South Wales but are registered in another State or a Territory to be operated in this State if the Commissioner licenses the buses under proposed amendments to the State Transport (Co-ordination) Act 1931. (Schedule 1 (4)). Consequential amendments are made to sections 237, 238 and 241 of the Principal Act. (Schedule 1 (5)–(7)).

TRANSPORT (AMENDMENT) BILL 1988

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS



TRANSPORT (AMENDMENT) BILL 1988

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend the Transport Act 1930 with respect to the licensing of bus services and the registration of buses.

Transport (Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Transport (Amendment) Act 1988.

Commencement

- 5 2. This Act commences when the State Transport (Co-ordination) Amendment Act 1988 commences.

Amendment of Transport Act 1930 No. 18

3. The Transport Act 1930 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

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(Sec. 3)

(1) Section 135 (**Motor omnibus services to be licensed**)—

Section 135 (1B)—

After section 135 (1A), insert:

15 (1B) The Commissioner may, by written notice, exempt a person carrying on a motor omnibus service which conveys passengers—

(a) from a place outside a district to a place within the district;
or

20 (b) from a place within a district to a place outside the district,
from the requirement to hold a service licence in respect of that service.

(2) Section 137 (**Service licence**)—

(a) Section 137 (3)—

25 Omit “In”, insert instead “Except as provided by subsection (6), in”.

(b) Section 137 (6), (7)—

After section 137 (5), insert:

30 (6) The Commissioner shall not take into consideration the matters referred to in subsections (3) (b), (c) and (d) and (5) in determining whether or not to grant any application for a service licence with respect to a motor omnibus service—

(a) being a licence which will be subject to conditions prescribed or imposed under section 138 and requiring—

SCHEDULE 1—AMENDMENTS—*continued*

- 5 (i) that each passenger carried on the omnibus providing the service 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 service on a journey wholly within the Metropolitan Transport District; or
- 10 (b) being a licence which will be subject to conditions prescribed or imposed under section 138 and requiring—
- (i) that each passenger carried on the omnibus providing the service must be carried for the purposes of tourism or that the service must be provided on a charter basis; and
- 15 (ii) that no passenger will be carried on the service on a journey wholly within any area prescribed by the regulations for the purposes of this paragraph.
- (7) Regulations may be made varying the distance referred to in subsection (6) (a).
- 20 (3) Section 138A (**Variations of conditions**)—
Section 138A (4)—
Omit “referred to in section 137 (3) and (5) as may appear relevant.”, insert instead:
- 25 referred to in section 137 (3) and (5)—
- (a) as would be required to be taken into account if the application were for a service licence; and
- (b) as may appear relevant to the Commissioner.
- (4) Section 144—
- 30 Omit the section, insert instead:
Registration of motor omnibuses
144. No person shall use any vehicle on a motor omnibus service the route of which is wholly or partly within any district unless the vehicle—
- 35 (a) is registered as a motor omnibus in pursuance of this Act or the Motor Traffic Act 1909; or
- (b) is registered as a motor omnibus under the law of another State or a Territory and is licensed under the State Transport (Co-ordination) Act 1931; or

*Transport (Amendment) 1988*SCHEDULE 1—AMENDMENTS—*continued*

- (c) is a taxi-cab that is the subject of a contract or an arrangement entered into under, and for the time being approved by the Commissioner in accordance with, section 134A.
- 5 (5) Section 237 (**Owner not to allow unregistered public vehicle to be driven**)—
Omit “pursuant to this Act”, insert instead “as referred to in section 144”.
- 10 (6) Section 238 (**Driving unregistered public vehicle**)—
Section 238 (1)—
Omit “pursuant to this Act”, insert instead “as referred to in section 144”.
- 15 (7) Section 241 (**Number-plates**)—
Section 241 (2)—
After “registration”, insert “, whether within or outside New South Wales, ”.

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Clause 1 specifies the short title of the proposed Act.

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The Bill amends section 135 (Motor omnibus services to be licensed) of the Principal Act to enable the Commissioner to exempt a person from the requirement to hold a service licence in respect of a bus service conveying passengers from a place within a Transport District to a place outside the District or from a place outside such a District to a place within the District. (Schedule 1 (1)).

Transport (Amendment) 1988

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- (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 (2)). A consequential amendment is made to section 138A of the Principal Act. (Schedule 1 (3)).

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(Sec. 3)

(1) Section 135 (Motor omnibus services to be licensed)—

Section 135 (1B)—

After section 135 (1A), insert:

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(1B) The Commissioner may, by written notice, exempt a person carrying on a motor omnibus service which conveys passengers—

(a) from a place outside a district to a place within the district; or

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(b) from a place within a district to a place outside the district, from the requirement to hold a service licence in respect of that service.

(2) Section 137 (Service licence)—

(a) Section 137 (3)—

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Omit "In", insert instead "Except as provided by subsection (6), in".

(b) Section 137 (6), (7)—

After section 137 (5), insert:

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(6) The Commissioner shall not take into consideration the matters referred to in subsections (3) (b), (c) and (d) and (5) in determining whether or not to grant any application for a service licence with respect to a motor omnibus service—

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SCHEDULE 1—AMENDMENTS—*continued*

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144. No person shall use any vehicle on a motor omnibus service the route of which is wholly or partly within any district unless the vehicle—
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15 After “registration”, insert “, whether within or outside New South Wales, ”.