

**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

State Transport (Co-ordination) Amendment 1987

- (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.
