

FIRST PRINT

TRANSPORT (FEES AND CHARGES) AMENDMENT BILL 1985

EXPLANATORY NOTE

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

The Miscellaneous Acts (Motor Transport Fees and Charges) Amendment Bill 1985 is cognate with this Bill.

The object of this Bill is to amend the Transport Act 1930 so as to provide for the determination of fees and charges payable under that Act and the following Acts by orders made by the Commissioner for Motor Transport with the concurrence of the Minister for Transport and published in the Government Gazette:

- (a) Air Transport Act 1964;
- (b) Motor Traffic Act 1909;
- (c) Motor Vehicle Driving Instructors Act 1961;
- (d) Motor Vehicles Taxation Management Act 1949;
- (e) Motor Vehicles (Third Party Insurance) Act 1942;
- (f) Recreation Vehicles Act 1983;
- (g) State Transport (Co-ordination) Act 1931.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 describes the Schedules to the proposed Act. Schedule 1 contains the amendments to the Principal Act and Schedule 2 contains savings provisions.

Clause 4 is a formal provision that gives effect to the Schedule of amendments.

Clause 5 is a formal provision that gives effect to the Schedule of savings.

Schedule 1 (1) inserts proposed section 4 (2) into the Principal Act which states that references in that Act to determined fees and charges are references to fees and charges determined by orders under proposed section 265B.

Schedule 1 (2)-(4) effect consequential amendments to the Principal Act.

Schedule 1 (5) inserts proposed Part XIXA (containing proposed sections 265A-265C) into the Principal Act which will relate to the determining of fees and charges. Proposed section 265A lists the other Acts which will be prescribed Acts for the purposes of the proposed Part. Further Acts may be added by regulations made under the Transport Act 1930. Proposed section 265B empowers the Commissioner for Motor Transport to make, with the concurrence of the Minister, orders determining fees and charges payable under the Principal Act and the prescribed Acts or regulations made under any such Act. The orders are required to be published in the Government Gazette. Proposed section 265C requires the Commissioner to submit annually proposals to the Minister for the alteration of those fees and charges in accordance with movements in certain salaries. The Minister is not bound to accept those proposals and may concur in the Commissioner's adjusting those fees and charges otherwise than in accordance with those proposals.

Schedule 1 (6) omits Schedule 2 from the Principal Act which contained a list of application fees which have already been superseded by regulations made under that Act and are intended to be determined by orders under proposed section 265B.

Schedule 2 contains savings provisions. Clause 1 aims to ensure that the amendments in Schedule 1 will not prevent the collection by the Commissioner of outstanding fees and charges which were previously fixed by regulations made under the Principal Act. Clause 2 provides that the amendments made to that Act shall not have the effect of repealing certain of those regulations.
