

WESTERN AUSTRALIA

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# TRANSPORT CO-ORDINATION AMENDMENT ACT

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No. 115 of 1987

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AN ACT to amend the *Transport Co-ordination Act 1966*.

[Assented to 31 December 1987]

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

## Short title

1. This Act may be cited as the *Transport Co-ordination Amendment Act 1987*.

### Commencement

2. The provisions of this Act shall come into operation on such day as is, or days as are respectively, fixed by proclamation.

### Principal Act

3. In this Act the *Transport Co-ordination Act 1966\** is referred to as the principal Act.

[\*Reprinted as at 6 March 1987.]

### Section 4 amended

4. Section 4 of the principal Act is amended in subsection (1)—

(a) by inserting after the definition of “Director General” the following definition—

“ “ferry” means a vessel, including a hovercraft, used or intended to be used to carry passengers for hire or reward and includes any such vessel so used or intended to be used by or on behalf of the Crown, or an agency of the Crown, other than the Metropolitan (Perth) Passenger Transport Trust; ”; and

(b) in the definition of “vehicle” by inserting after “aircraft” the following—

“ and a vessel ”.

### Section 21 amended

5. Section 21 of the principal Act is amended in subsection (1)—

(a) by deleting “and” after paragraph (b);

(b) in paragraph (c) by deleting “Minister.” and substituting the following—

“ Minister; and ”; and

(c) by inserting after paragraph (c) the following paragraph—

- “ (d) for a ferry licence under Division 4A, a fee determined by the Minister based on but not exceeding \$1 per annum for each unit of the maximum number of passengers that the vehicle is licensed to carry at any one time with a maximum fee of \$600 per annum. ”.

### Part III amended

6. Part III of the principal Act is amended by inserting after Division 4 the following Division—

“ *Division 4A—Ferries*

Licences for ferries

47AA. (1) Subject to this Division, the Minister may, on the application of the owner, grant a licence in respect of a ferry.

(2) A licence for a ferry may be granted for a period of one year or for a particular purpose of specified duration.

Permits

47AB. (1) The Minister may grant to the owner of any ferry licensed under this Division a permit authorizing the ferry to operate, subject to such conditions as may be imposed by the Minister—

- (a) on any deviation from the routes specified in the licence;
- or
- (b) temporarily, on any route or in any area not specified in the licence.

(2) Every application for a permit under subsection (1) shall be in writing in the form prescribed.

(3) Notwithstanding subsection (2), the Minister may grant a permit without prior lodgement of the written application where he is satisfied that sufficient information has been made available to him to enable him so to do.

(4) A permit granted pursuant to subsection (3)—

- (a) shall be deemed to take effect upon verbal notification to the applicant that the permit will issue; but

- (b) shall be deemed not to have taken effect if the written application relating thereto is not received by the Director General within 14 days of the Minister's decision or if the information contained in the written application differs in a material particular from the information made available to the Minister prior to his decision.

#### Applications for licences

47AC. (1) Every application for a ferry licence shall be in writing, setting out—

- (a) the routes on which and the area in which it is intended that the ferry is to operate;
- (b) a description of the ferry in respect of which the application is made;
- (c) the maximum number of passengers to be carried at any one time, and the classes of goods, if any, to be carried, by the ferry;
- (d) the service proposed to be provided;
- (e) the fares proposed to be charged; and
- (f) such other particulars as may be prescribed.

(2) Where the application relates to a licence required for a particular purpose of limited duration, notwithstanding subsection (1) the Minister may grant the licence without prior lodgement of the written application where he is satisfied that sufficient information has been made available to him to enable him so to do.

(3) A licence granted pursuant to subsection (2)—

- (a) shall be deemed to take effect upon verbal notification to the applicant that a licence will issue; but
- (b) shall be deemed not to have taken effect if the written application relating thereto is not received by the Director General within 14 days of the Minister's decision or if the information contained in the written application differs in a material particular from the information made available to the Minister prior to his decision.

### Matters to be taken into consideration by Minister

47AD. (1) The Minister may, before granting or refusing a licence for a ferry, take into account the interests of persons requiring transport to be provided, and of the community generally.

(2) Notwithstanding anything in subsection (1) the Minister may at any stage for any reason defer an application or refrain from dealing with an application.

### Conditions on ferry licences

47AE. It is an implied condition of every licence for a ferry granted by the Minister that the provisions of any law applicable to the ferry and its operation be complied with.

### Power of Minister to attach conditions to licences

47AF. (1) The Minister may, in his discretion, attach to a ferry licence all or any of the following conditions, namely, a condition that—

- (a) the ferry be operated only upon specified routes or in a specified area;
- (b) specified timetables be observed;
- (c) specified fares be charged;
- (d) prescribed records and statistics be kept and be supplied to the Director General,

and may attach such other conditions as he thinks fit to impose, in the public interest.

(2) The Minister may add to, vary or cancel any of the conditions attached, pursuant to subsection (1), to a ferry licence. ”.

### Section 47ZF amended

7. Section 47ZF of the principal Act is amended in paragraph (l) of subsection (1)—

- (a) by deleting “or” after subparagraph (i);

- (b) in subparagraph (ii) by deleting “driver,” and substituting the following—

“ driver; or ”; and

- (c) by inserting after subparagraph (ii) the following subparagraph—

“ (iii) refusing to register as a taxi-car driver a person who has previously been registered as a taxi-car driver under this Part, ”.

### **Section 49 amended**

8. Section 49 of the principal Act is amended—

- (a) in subsection (1) (a)—

- (i) in subparagraph (iii) by deleting “or of any load; or” and substituting the following—

“ , any passenger or of any load; ”;

- (ii) in subparagraph (iv) by deleting “contains;” and substituting the following—

“ contains; or ”; and

- (iii) by inserting after subparagraph (iv) the following subparagraph—

“ (v) to give information in respect of any passengers, the carriage of those passengers and the identity of the person who hired the vehicle for the carriage of those passengers; ”;

- (b) by inserting after subsection (1) (b) the following paragraph—

“ (ba) at any time stop and detain any vehicle and, for the purposes of determining the number or class of passengers being carried by the vehicle, inspect any passengers being so carried or any documents pertaining thereto; ”; and

- (c) in subsection (2) by deleting “, or of its load, or refuses to give information as specified in paragraph (a) (iv)” and substituting the following—

“ , its passengers, or of its load, or refuses to give information as specified in paragraph (a) (iv) or (v) ”.

**Section 60 amended**

**9.** Section 60 of the principal Act is amended in subsection (2) by inserting after paragraph (e) the following paragraph—

- “ (ea) prescribing the fees payable with respect to licences or number plates or both in relation to any vehicle; ”.
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